

code of federal regulations

33/pt.1-124/990

Navigation and
Navigable Waters

33

PARTS 1 TO 124

Revised as of July 1, 1990



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Navigation and Navigable Waters

33

PARTS 1 TO 124

Revised as of July 1, 1990

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As of July 1, 1990
Title 33, Parts 1 to 199
Revised as of July 1, 1989
Is Replaced by Two Volumes
Title 33, Parts 1 to 124
and
Title 33, Parts 125 to 199

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Cite this Code: CFR

***To cite the regulations in
this volume use title,
part and section
number. Thus, 33 CFR
1.01-1 refers to Title 33,
Part 1, section 01-1.***

Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

ISSUE DATES

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16.....	as of January 1
Title 17 through Title 27.....	as of April 1
Title 28 through Title 41.....	as of July 1
Title 42 through Title 50.....	as of October 1

The appropriate revision date is printed on the cover of each volume.

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The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires Federal agencies to display an OMB control number with their information collection request. Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

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- (b) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.
- (c) The incorporating document is drafted and submitted for publication in accordance with 1 CFR Part 51.

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III). A list of CFR Titles, Chapters, and Parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of "Title 3—The President" is carried within that volume.

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MARTHA L. GIRARD,

Director,

Office of the Federal Register.

July 2, 1990.

THIS TITLE

Title 33—NAVIGATION AND NAVIGABLE WATERS is composed of three volumes. The contents of these volumes represent all current regulations codified under this title of the CFR as of July 1, 1990. The first and second volumes, Parts 1-124 and 125-199, contain current regulations of the Coast Guard, Department of Transportation. The third volume, Part 200 to End, contains current regulations of the Corps of Engineers, Department of the Army, and the Saint Lawrence Seaway Development Corporation, Department of Transportation.

In the second volume a subject index for Subchapter N—Outer Continental Shelf Activities follows the subchapter in Parts 140-147. Redesignation tables also appear in the Finding Aids section of the first, second, and third volumes.

For this volume, Kent H. Giles was Chief Editor. The Code of Federal Regulations publication program is under the direction of Richard L. Claypoole, assisted by Alomha S. Morris.

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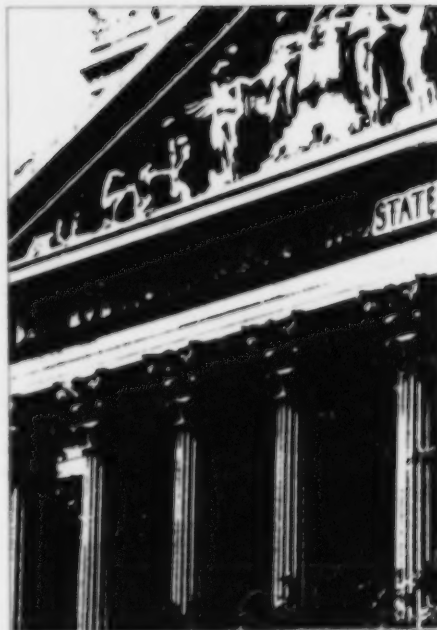
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Title 33—Navigation and Navigable Waters

(This book contains Parts 1 to 124)

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EDITORIAL NOTE: Nomenclature changes affecting Chapter I appear at 47 FR 28615, July 1, 1982.

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Federal Communications Commission: Stations on shipboard in the maritime services: 47 CFR, Part 80.

Maritime Administration, Department of Transportation: 46 CFR Chapter II.

Federal Maritime Commission: 46 CFR Chapter IV.

NOTE: Other regulations issued by the Department of Transportation appear in Titles 14, I, II, III; 23, I, II, III; 44, IV; 33, I, IV; 46, I, II, III; 48, Chapters 12 and 63, and 49 Subtitle A, I, II, III, IV, V, and VI.

ABBREVIATIONS: The following abbreviations are used in this chapter:

BMC=Chief Boatswain's Mate. CGFR=Coast Guard Federal Register document number. CG=Coast Guard. EM=Electrician's Mate. LS=Lightship. NC=Flag hoist meaning, "I am in distress and require immediate assistance." NCG=Call letters for any Coast Guard Shore Radio Station. OAN=Aids to Navigation Division. PTP=Training and Procurement. U.S.C.G.=United States Coast Guard.

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Subpart 1.01—Delegation of Authority

AUTHORITY: 14 U.S.C. 633; 49 U.S.C. 322; Sec. 6079(d), Pub. L. 100-690, 102 Stat. 4181; 49 CFR 1.45(b), 1.46; section 1.01-70 also issued under the authority of E.O. 12316, 46 FR 42237.

§ 1.01-1 District Commander.

Final authority for the performance within the confines of his district of the functions of the Coast Guard, which in general terms are maritime law enforcement, saving and protect-

ing life and property, safeguarding navigation on the high seas and navigable waters of the United States, and readiness for military operations, is delegated to the District Commander by the Commandant. In turn delegations of final authority run from the District Commander to commanding officers of units under the District Commander for the performance of the functions of law enforcement, patrol of marine regattas and parades, and the saving of life and property which come within the scope of their activities.

[CGFR 48-72, 13 FR 9330, Dec. 31, 1948]

§ 1.01-20 Officer in Charge, Marine Inspection.

(a) Final authority is vested in the Officer in Charge, Marine Inspection, for the performance, within the area of his jurisdiction, of the following functions: Inspection of vessels in order to determine that they comply with the applicable laws, rules, and regulations relating to safe construction, equipment, manning, and operation and that they are in a seaworthy condition for the services in which they are operated; shipyard and factory inspections; the investigation of marine casualties and accidents; the licensing, certificating, shipment and discharge of seamen; the investigating and initiating of action in cases of misconduct, negligence, or incompetence of merchant marine officers or seamen; and the enforcement of vessel inspection, navigation, and seamen's laws in general. Specific procedures for appealing the decisions of the Officer in Charge, Marine Inspection, or of his subordinates are set forth in 46 CFR Parts 1 to 4.

(b) This officer is also delegated authority to prescribe distinctive lights for ferryboats operated by different companies as provided by §§ 80.15, 90.18, and 95.27 of this chapter.

[CGFR 48-72, 13 FR 9330, Dec. 31, 1948]

§ 1.01-30 Captains of the Port.

(a) Captains of the Port and their representatives enforce within their respective areas port safety and security and marine environmental protection regulations, including, without

limitation, regulations for the protection and security of vessels, harbors, and waterfront facilities; anchorages; security of vessels; waterfront facilities; security zones; safety zones; regulated navigation areas; deepwater ports; water pollution, and ports and waterways safety.

(b) [Reserved]

(c) Under authority conferred by 14 U.S.C. 89, any commissioned, warrant, or petty officer of the United States Coast Guard may assist in discharging the duties of the captain of the port in any port or adjacent navigable waters of the United States. They will do so under the supervision and general direction of the cognizant captain of the port, or representative of the captain of the port, if there be one for the locality involved.

[CGFR 48-72, 13 FR 9330, Dec. 31, 1948, as amended by CGFR 61-55, 26 FR 12570, Dec. 28, 1961; CGD 77-091, 42 FR 48022, Sept. 22, 1977; CGD 78-079b, 48 FR 30619, July 5, 1983]

§ 1.01-40 Delegation to the Vice Commandant.

The Commandant delegates to the Vice Commandant authority to take final agency action under 46 CFR Part 5, Subparts I, J and K on each petition to reopen a hearing and on each appeal from a decision of an Administrative Law Judge, except on petition or appeal in a case in which an order or revocation has been issued. This delegation does not prevent the Vice Commandant from acting as Commandant, as prescribed in 14 U.S.C. 47(a), for all purposes of 46 CFR Part 5.

[CGD 85-071, 51 FR 22805, June 23, 1986]

§ 1.01-50 Delegation to District Commander, Seventeenth Coast Guard District.

The Commandant redelegates to the District Commander, Seventeenth Coast Guard District, the authority under the Act of September 10, 1976 (90 Stat. 1236, 46 U.S.C. 420) to issue permits exempting specific cargo-carrying vessels serving remote villages in the State of Alaska from all or part of the requirements of 46 U.S.C. 88, 391, 391a, and 404 and the regulations issued thereunder.

[CGD 80-90, 46 FR 15685, Mar. 9, 1981]

§ 1.01-60 Delegations for issuance of bridge permits.

(a) The Commandant delegates to the Chief, Office of Navigation and Waterway Services, the authority to issue the following permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States:

(1) Those that require:

(i) An environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969, as amended, (42 U.S.C. 4321 et seq.) and all implementing regulations, orders, and instructions.

(ii) A determination under section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 1653).

(iii) Concurrence of the Department of Transportation under DOT Order 5610.1C (Procedures for Considering Environmental Impacts).

(2) Those that require a Presidential permit and approval under the International Bridge Act of 1972 (33 U.S.C. 535).

(3) Those that require the amendment of an existing permit issued by the U.S. Army Corps of Engineers.

(4) Those that raise substantial unresolved controversy involving the public, or are objected to by Federal, State, or local government agencies.

(5) Those authorized by the Commandant upon the appeal of a district commander's decision denying a permit.

(b) The Commandant delegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority to issue all permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States other than those specified in paragraph (a) of this section.

[CGD 80-099, 46 FR 33353, July 27, 1981; 46 FR 42268, Aug. 20, 1981, as amended by CGD 88-052, 53 FR 25119, July 1, 1988]

§ 1.01-70 CERCLA delegations.

(a) For the purpose of this section, the definitions in section 101 of the Comprehensive Environmental Re-

sponse, Compensation, and Liability Act of 1980 (Pub. L. 96-510), as amended by the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499), apply. The Act, as amended, is referred to in this section as CERCLA.

(b) The Chief, Office of Marine Safety, Security and Environmental Protection (G-M) is delegated authority to take remedial action involving vessels under section 104 of CERCLA.

(c) Each Maintenance and Logistics Commander is delegated contract authority, consistent with each memorandum of understanding between the Coast Guard and the Environmental Protection Agency regarding CERCLA funding mechanisms, for the purpose of carrying out response actions pursuant to CERCLA sections 104(a), 104(b), 104(f), 104(g), 105(f), and 122.

(d) Each district commander is delegated authority as follows:

(1) Authority, pursuant to CERCLA section 106(a), to determine an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, and to secure such relief as may be necessary to abate such danger or threat through the United States attorney of the district in which the threat occurs.

(2) Authority, pursuant to CERCLA section 109, relating to violations of sections 103 (a) and (b) pertaining to notification requirements, and section 122 pertaining to administrative orders and consent decrees.

(e) Subject to the provisions of Executive Order 12580, 49 CFR 1.46 (ff) and (gg), and paragraph (g) of this section, each Coast Guard official, pre-designated as an On-Scene Coordinator, is delegated authority as follows:

(1) Authority, pursuant to CERCLA sections 104(a), 104(b), 104(c) and consistent with the National Contingency Plan, to remove or arrange for the removal of releases and threatened releases of hazardous substances, and of pollutants or contaminants which may present an imminent and substantial danger to the public health or welfare.

(2) Authority, pursuant to CERCLA section 104(dx)(1), to take such steps as may be necessary to reduce exposure that presents a significant risk to

human health, and to eliminate or substantially mitigate that significant risk to human health.

(3) Authority, pursuant to CERCLA section 106(a), to issue orders to protect the public health and welfare and the environment whenever that official determines that a release or threatened release of a hazardous substance from a facility may present an imminent and substantial endangerment to the public health or welfare or the environment.

(4) Authority, pursuant to CERCLA section 104(e), except section 104(e)(7)(C), to enter establishments or other places where hazardous substances are or have been generated, stored, treated, disposed of, or transported from to inspect and obtain records, reports, samples and information in support of the response functions delegated in paragraphs (d), (e)(1), (e)(2), and (e)(3) of this section.

(5) Authority, pursuant to CERCLA section 122, to enter into an agreement with any person (including the owner or operator of the vessel or facility from which a release or substantial threat of release emanates, or any other potential responsible person), to perform any response action, provided that such action will be done properly by such person.

(f) Except for the authority granted in paragraphs (d)(1) and (e)(1) of this section, each Coast Guard official to whom authority is granted in this section may redelegate and authorize successive redelegations of that authority. The authority granted in paragraph (e)(3) of this section may only be redelegated to commissioned officers.

(g) The response authority described in paragraph (e)(1) of this section does not include authority to—

(1) Summarily remove or destroy a vessel; or

(2) Take any other action that constitutes intervention under CERCLA, the Intervention on the High Seas Act (33 U.S.C. 1471 *et seq.*), or other applicable laws. "Intervention" means any detrimental action taken against the interest of a vessel or its cargo without the consent of the vessel's owner or operator.

Subpart 1.05—Rulemaking

AUTHORITY: Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545, R.S. 4405, as amended, 4462, as amended; sec. 2, 23 Stat. 118, as amended; sec. 2, 63 Stat. 496, as amended; 5 U.S.C. 552; 14 U.S.C. 2, 633; 46 U.S.C. 375, 416, 2.

§ 1.05-1 General.

(a) The Secretary of Transportation is empowered by various statutes to issue regulations regarding the functions, powers and duties of the Coast Guard.

(b) The Secretary of Transportation by 49 CFR 1.45 and 1.46 has delegated to the Commandant, U.S. Coast Guard, the authority to issue regulations regarding the functions, powers and duties of the Coast Guard together with the authority to redelegate and authorize successive redelegations of that authority within the Coast Guard.

(c) The Commandant redelegates to the Chief, Office of Navigation Safety and Waterway Services, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to:

(1) Grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and Part 26 of this chapter.

(d) Subject to the provisions of paragraphs (e) and (f) of this section, the Commandant redelegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority, under section 13 of the Federal Boating Safety Act of 1971, to issue regulations applicable to a specific boat within his jurisdiction designating that boat unsafe for a specific voyage on a specific body of water when it is determined, under the provisions of § 177.07(g) of this chapter, that an unsafe condition exists.

(e) Each regulation issued by a Coast Guard District Commander under the provisions of paragraph (d) of this section shall contain:

(1) Notice that the person upon whom the rule is served has the right, under the Administrative Procedure Act (5 U.S.C. 553(e)), to petition for reconsideration and repeal of the rule;

§ 1.05-3

33 CFR Ch. I (7-1-90 Edition)

(2) Full title and address of the Coast Guard District Commander to whom the petition is to be submitted; and

(3) Notice that the petition should contain:

(i) The text or substance of the rule which the petitioner seeks to have reconsidered and repealed;

(ii) A statement of the action sought by the petitioner;

(iii) Whatever arguments or data that are available to the petitioner to support the action sought; and

(iv) If the petitioner desires reconsideration and repeal of the rule before a specific date, the petition should so state and give reasons why action by that date is necessary.

(f) If a Coast Guard District Commander determines that a petition submitted under the provisions of paragraph (e) of this section contains adequate justification, he shall initiate prompt rulemaking action to repeal the rule. If the Coast Guard District Commander determines that repeal of the rule is not justified, he shall issue prompt written notice of denial to the petitioner.

(g) Except for those matters specified in paragraphs (h), (i), and (j) of this section, the Commandant redelegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority to issue rules and regulations pertaining to the following:

(1) Anchorage grounds and special anchorage areas.

(2) The designation of lightering zones.

(3) The operation of drawbridges.

(4) The establishment of Regulated Navigation Areas.

(h) The Commandant reserves authority to issue any rules and regulations specified in paragraph (g) of this section which are determined to be significant in accordance with the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5).

(i) The Commandant redelegates to the Chief, Office of Navigation Safety and Waterway Services, with the reservation that this authority should

not be further redelegated, the authority to issue rules and regulations pertaining to anchorage grounds and special anchorage areas which:

(1) Have been shown to raise substantial issues concerning the reasonable needs of navigation; or

(2) Have been shown to generate controversy on an issue of importance to a particular locality.

(j) The Commandant redelegates to the Chief, Office of Navigation Safety and Waterway Services, with the reservation that this authority shall not be further redelegated, the authority to issue rules and regulations pertaining to the operation of drawbridges which:

(1) Have been shown to raise substantial issues concerning the reasonable needs of navigation; or

(2) Have been shown to generate controversy on an issue of importance to a particular locality.

(k) The Commandant redelegates to each Coast Guard District Commander and Captain of the Port the authority to make the certification in section 605(b) of the Regulatory Flexibility Act (Sec. 605(b), Pub. L. 96-354, 94 Stat. 1168 (5 U.S.C. 605)) for rules that they issue.

(5 U.S.C. 553; 14 U.S.C. 632; Pub. L. 92-63, 85 Stat. 165, (33 U.S.C. 1201-8); 33 U.S.C. 471, 180, 258, 322, and 499; 46 U.S.C. 1488; 49 U.S.C. 1655, 1657; 49 CFR 1.4(a), (g), 1.45(b), and 1.46)

[CGFR 69-115, 35 FR 8279, May 27, 1970]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.05-1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.05-3 Advance notice of proposed rulemaking.

An advance notice of proposed rulemaking may be issued under the Coast Guard policy for the early institution of public rulemaking proceedings. An advance notice is issued if the resources of the Coast Guard and a reasonable inquiry outside the Coast Guard do not yield a sufficient basis for identifying and selecting tentative or alternate courses of action upon which a rulemaking proceeding might be undertaken. An advance notice is also issued if it is helpful to invite early public participation in the iden-

tification and selection of tentative or alternate courses of action upon which a rulemaking proceeding might be undertaken.

[CGD 75-193, 41 FR 7506, Feb. 19, 1976]

§ 1.05-5 Notices of proposed rulemaking.

(a) Whenever proposed changes in or additions to regulations relating to Coast Guard activities come within the scope of section 4 of the Administrative Procedure Act or are required by the provisions of a particular statute under which the authority to promulgate such regulations is given, notice of intention to consider enacting or amending rules and regulations or granting or withdrawing approvals of equipment for use on vessels will be published in the *FEDERAL REGISTER*, and will be distributed to interested parties for review and comment, upon request. Publication of the notice will be made approximately 30 days, or more if possible, before either the hearing or the final date for submission of comments, except that in certain cases circumstances may make it necessary to give less than 30 days' notice.

(b) Copies of the notice of proposed rulemaking or the full text of proposed regulations or type approvals of equipment will be distributed to interested parties for review and comment, so long as such copies are available. The notice will state where copies are available for inspection purposes only.

§ 1.05-10 Hearings.

(a) When required by the provisions of the particular statute under which the proposed regulations are to be promulgated, a public hearing shall be held in accordance with the notice of proposed rulemaking unless an emergency exists or it is contrary to the public interest to hold such a hearing.

(b) When the proposed regulations regarding activities under the cognizance of the United States Coast Guard may be of such scope and future effect that it would be in the public interest and would tend to promote safety of life and property at sea, a public hearing may also be held to allow for the orderly presentation of comments, suggestions, and recommendations.

(R.S. 4233A, as amended, 4417a, as amended, 4472, as amended, sec. 1, 30 Stat. 96, as amended; 33 U.S.C. 353, 46 U.S.C. 391a, 170, 33 U.S.C. 157)

[CGFR 48-72, 13 FR 9330, Dec. 31, 1948, as amended by CGFR 61-55, 26 FR 12570, Dec. 28, 1961]

§ 1.05-15 Hearing officer or panel of officers.

(a) Except as provided under § 1.05-25, each hearing under § 1.05-10 is conducted by a Hearing Officer or a panel of officers appointed by the Marine Safety Council.

(b) Each Hearing Officer or panel of officers described in paragraph (a) of this section hears the comments on proposed rules and regulations that are presented at each hearing.

[CGD 75-193, 41 FR 7506, Feb. 19, 1976]

§ 1.05-25 Hearings on regulations having only local applicability.

When proposed regulations have only local applicability, hearings, whenever practicable, will be held in the locality to which such regulations apply by an officer designated by the Commandant, U.S. Coast Guard.

[CGFR 48-72, 13 FR 9330, Dec. 31, 1948]

§ 1.05-30 Final action.

(a) After the hearing or after the final date when comments may be submitted in accordance with the notice of proposed rulemaking, the Merchant Safety Council or the official designated in the notice shall consider all the data, views or arguments submitted and shall forward to the appropriate officer recommendations regarding the proposed regulations.

(b) Final action on the proposed regulation will be determined and the regulation issued by the Commandant or any other person delegated or otherwise authorized to issue rules.

(c) Amendments to the regulations or new regulations will be published in the *FEDERAL REGISTER*. The effective date will be not less than 30 days after the date of publication except when otherwise provided by the Administrative Procedure Act.

(5 U.S.C. 553; 49 U.S.C. 1655, 1657; 49 CFR 1.4(a) and (g), 1.46(b))

§ 1.07-1

[CGFR 69-115, 35 FR 8279, May 27, 1970, as amended by CGD 72-105R, 37 FR 16546, Aug. 16, 1972; CGD 75-193, 41 FR 7506, Feb. 19, 1976]

Subpart 1.07—Enforcement; Civil and Criminal Penalty Proceedings

AUTHORITY: 14 U.S.C. 633; 49 CFR 1.46.

SOURCE: CGD 78-82, 43 FR 54186, Nov. 20, 1978, unless otherwise noted.

§ 1.07-1 Purpose.

This part describes procedures for enforcement and administration of all statutory penalty provisions that the Coast Guard is authorized to enforce.

§ 1.07-5 Definitions.

(a) The term "District Commander," when used in this subpart, means the District Commander or a member of his staff.

(b) The term "Hearing Officer" means a Coast Guard officer or employee who has been delegated the authority to assess civil penalties.

(c) The term "party" means the person alleged to have violated a statute or regulation to which a civil penalty applies and includes an individual or public or private corporation, partnership or other association, or a governmental entity.

§ 1.07-10 Reporting and investigation.

(a) Any person may report an apparent violation of any law, regulation, or order that is enforced by the Coast Guard to any Coast Guard facility. When a report of an apparent violation has been received, or when an apparent violation has been detected by any Coast Guard personnel, the matter is investigated or evaluated by Coast Guard personnel.

(b) Reports of any investigation conducted by the Coast Guard or received from any other agency which indicate that a violation may have occurred are forwarded to a District Commander for action. This is normally the District Commander of the District in which the violation is believed to have occurred, or the District in which the reporting unit or agency is found. The District Commander reviews the reports to determine if there is sufficient evidence to establish a *prima*

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facie case. If there is insufficient evidence, the case is either returned for further investigation or closed if further action is unwarranted. The case is closed in situations in which the investigation has established that a violation did not occur, the violator is unknown, or there is little likelihood of discovering additional relevant facts. If it is determined that a *prima facie* case does exist, a case file is prepared and forwarded to the Hearing Officer, with a recommended action. A record of any prior violations by the same person or entity, is forwarded with the case file.

[CGD 78-82, 43 FR 54186, Nov. 20, 1978, as amended by CGD 87-008a, 52 FR 17554, May 11, 1987]

§ 1.07-15 Hearing Officer.

(a) The Hearing Officer has no other responsibility, direct or supervisory, for the investigation of cases referred for the assessment of civil penalties. The hearing officer may take action on a case referred by any District Commander.

(b) The Hearing Officer decides each case on the basis of the evidence before him, and must have no prior connection with the case. The Hearing Officer is solely responsible for the decision in each case referred to him.

(c) The Hearing Officer is authorized to administer oaths and issue subpoenas necessary to the conduct of a hearing, to the extent provided by law.

[CGD 78-82, 43 FR 54186, Nov. 20, 1978, as amended by CGD 87-008a, 52 FR 17554, May 11, 1987]

§ 1.07-20 Initiation of action.

(a) When a case is received for action, the Hearing Officer makes a preliminary examination of the material submitted. If, on the basis of the preliminary examination, the Hearing Officer determines that there is insufficient evidence to proceed, or that there is any other reason which would make penalty action inappropriate, the Hearing Officer returns the case to the District Commander with a written statement of the reason. The District Commander may close the case or cause a further investigation of the alleged violation to be made with a

view toward resubmittal of the case to the Hearing Officer.

(b) If on the basis of the preliminary examination of the case file, the Hearing Officer determines that a violation appears to have been committed, the Hearing Officer notifies the party in writing of:

(1) The alleged violation and the applicable law or regulations;

(2) The amount of the maximum penalty that may be assessed for each violation;

(3) The general nature of the procedure for assessing and collecting the penalty;

(4) The amount of penalty that appears to be appropriate, based on the material then available to the Hearing Officer;

(5) The right to examine all materials in the case file and have a copy of all written documents provided upon request; and,

(6) The fact that the party may demand a hearing prior to any actual assessment of a penalty.

(c) If at any time it appears that the addition of another party to the proceedings is necessary or desirable, the Hearing Officer provides the additional party with notice as described above.

§ 1.07-25 Preliminary matters.

(a) Within 30 days after receipt of notice of the initiation of the action, as described above, the party, or counsel for the party, may request a hearing, provide any written evidence and arguments in lieu of a hearing, or pay the amount specified in the notice as being appropriate. A hearing must be requested in writing; the request must specify the issues which are in dispute. Failure to specify a nonjurisdictional issue will preclude its consideration.

(b) The right to a hearing is waived if the party does not submit the request to the Hearing Officer within 30 days after receiving notice of the alleged violation. At the discretion of the Hearing Officer, a hearing may be granted if the party submits a late request.

(c) The Hearing Officer must promptly schedule all hearings which are requested. The Hearing Officer shall grant any delays or continuances

which may be necessary or desirable in the interest of fairly resolving the case.

(d) A party who has requested a hearing may amend the specification of the issues in dispute at any time up to 10 days before the scheduled date of the hearing. Issues raised later than 10 days before the scheduled hearing may be presented only at the discretion of the Hearing Officer.

[CGD 78-82, 43 FR 54186, Nov. 20, 1978, as amended by CGD 85-001A, 51 FR 19329, May 29, 1986]

§ 1.07-30 Disclosure of evidence.

The alleged violator may, upon request, receive a free copy of all the written evidence in the case file, except material that would disclose or lead to the disclosure of the identity of a confidential informant. Other evidence or material, such as blueprints, sound or video tapes, oil samples, and photographs may be examined in the Hearing Officer's offices. The Hearing Officer may provide for examination or testing of evidence at other locations if there are adequate safeguards to prevent loss or tampering.

§ 1.07-35 Request for confidential treatment.

(a) In addition to information treated as confidential under § 1.07-30, a request for confidential treatment of a document or portion thereof may be made by the person supplying the information on the basis that the information is:

(1) Confidential financial information, trade secrets, or other material exempt from disclosure by the Freedom of Information Act (5 U.S.C. 552);

(2) Required to be held in confidence by 18 U.S.C. 1905; or

(3) Otherwise exempt by law from disclosure.

(b) The person desiring confidential treatment must submit the request to the Hearing Officer in writing and state the reasons justifying nondisclosure. Failure to make a timely request may result in a document being considered as nonconfidential and subject to release.

§ 1.07-40

(c) Confidential material is not considered by the Hearing Officer in reaching a decision unless:

(1) It has been furnished by a party, or

(2) It has been furnished pursuant to a subpoena.

§ 1.07-40 Counsel.

A party has the right to be represented at all stages of the proceeding by counsel. After receiving notification that a party is represented by counsel, the Hearing Officer directs all further communications to that counsel.

§ 1.07-45 Location of hearings and change of venue.

(a) The hearing is normally held at the office of the Hearing Officer.

(b) The Hearing Officer may transfer a case to another Hearing Officer on request or on the Hearing Officer's own motion.

(c) A request for change of location of a hearing or transfer to another Hearing Officer must be in writing and state the reasons why the requested action is necessary or desirable. Action on the request is at the discretion of the Hearing Officer.

[CGD 87-008a, 52 FR 17554, May 11, 1987]

§ 1.07-50 Witnesses.

A party may present the testimony of any witness either through a personal appearance or through a written statement. The party may request the assistance of the Hearing Officer in obtaining the personal appearance of a witness. The request must be in writing and state the reasons why a written statement would be inadequate, the issue or issues to which the testimony would be relevant, and the substance of the expected testimony. If the Hearing Officer determines that the personal appearance of the witness may materially aid in the decision on the case, the Hearing Officer seeks to obtain the witness' appearance. Because many statutes prescribing civil penalties do not provide subpoena power, there may be cases where a witness cannot be required to attend. In such a case, the Hearing Officer may move the hearing to the witness' location, accept a written statement, or

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accept a stipulation in lieu of testimony. If none of these procedures is practical, the Hearing Officer shall proceed on the basis of the evidence before him.

§ 1.07-55 Hearing procedures.

(a) The Hearing Officer must conduct a fair and impartial proceeding in which the party is given a full opportunity to be heard. At the outset of the hearing, the Hearing Officer insures that the party is aware of the nature of the proceeding and of the alleged violation, and of the provisions of the law or regulation allegedly violated.

(b) The material in the case file pertinent to the issues to be determined by the Hearing Officer is presented. The party has the right to examine, and to respond to or rebut, this material. The party may offer any facts, statements, explanations, documents, sworn or unsworn testimony, or other exculpatory items which bear on appropriate issues, or which may be relevant to the size of an appropriate penalty. The Hearing Officer may require the authentication of any written exhibit or statement.

(c) At the close of the party's presentation of evidence, the Hearing Officer may allow the introduction of rebuttal evidence. The Hearing Officer may allow the party to respond to any such evidence submitted.

(d) In receiving evidence, the Hearing Officer is not bound by strict rules of evidence. In evaluating the evidence presented, the Hearing Officer must give due consideration to the reliability and relevance of each item of evidence.

(e) The Hearing Officer may take notice of matters which are subject to a high degree of indisputability and are commonly known in the community or are ascertainable from readily available sources of known accuracy. Prior to taking notice of a matter, the Hearing Officer gives the party an opportunity to show why notice should not be taken. In any case in which notice is taken, the Hearing Officer places a written statement of the matters as to which notice was taken in the record, with the basis for such

notice, including a statement that the party consented to notice being taken or a summary of the party's objections.

(f) After the evidence in the case has been presented, the party may present argument on the issues in the case. The party may also request an opportunity to submit a written statement for consideration by the Hearing Officer and for further review. The Hearing Officer shall allow a reasonable time for submission of the statement and shall specify the date by which it must be received. If the statement is not received within the time prescribed, or within the limits of any extension of time granted by the Hearing Officer, the Hearing Officer renders his decision in the case.

§ 1.07-60 Records.

(a) A verbatim transcript will not normally be prepared. The Hearing Officer prepares notes on the material and points raised by the party, in sufficient detail to permit a full and fair review and resolution of the case, should it be appealed.

(b) A party may, at its own expense, cause a verbatim transcript to be made. If a verbatim transcript is made, the party shall submit two copies to the Hearing Officer not later than the time of filing and administrative appeal. The Hearing Officer includes them in the record.

§ 1.07-65 Hearing Officer's decisions.

(a) The Hearing Officer issues a written decision. Any decision to assess a penalty is based upon substantial evidence in the record. If the Hearing Officer finds that there is not substantial evidence in the record establishing the alleged violation or some other violation of which the party had full and fair notice, the Hearing Officer shall dismiss the case and remand it to the District Commander. A dismissal is without prejudice to the District Commander's right to refile the case and have it reheard if additional evidence is obtained. A dismissal following a rehearing is final and with prejudice.

(b) If the Hearing Officer assesses a penalty, the Hearing Officer's decision contains a statement advising the party of the right to an administrative

appeal. The party is advised that failure to submit an appeal within the prescribed time will bar its consideration and that failure to appeal on the basis of a particular issue will constitute a waiver of that issue in any subsequent proceeding.

[CGD 78-82, 43 FR 54186, Nov. 20, 1978, as amended by CGD 85-001A, 51 FR 19329, May 29, 1986]

§ 1.07-70 Right to appeal.

(a) Any appeal from the decision of the Hearing Officer must be submitted by a party within 30 days from the date of receipt of the decision. The appeal and any supporting brief must be submitted to the Hearing Officer. The only issues which will be considered on appeal are those issues specified in the appeal which were properly raised before the Hearing Officer and jurisdictional questions.

(b) The failure to file an appeal within the prescribed time limit results in the action of the Hearing Officer becoming the final agency action in the case.

§ 1.07-75 Action on appeals.

(a) Upon receipt, the Hearing Officer provides a copy of the appeal and any supporting brief to the District Commander who referred the case. Any comments which the District Commander desires to submit must be received by the Hearing Officer within 30 days. The Hearing Officer includes the District Commander's comments, or not later than 30 days after receipt of the appeal if no comments are submitted by the District Commander, the Hearing Officer forwards all materials in the case to the Commandant.

(b) The Commandant issues a written decision in each case and furnishes copies to the party, the District Commander, and the Hearing Officer. The Commandant may affirm, reverse, or modify the decision, or remand the case for new or additional proceedings. In the absence of a remand, the decision of the Commandant on appeal shall be final. In addition to the actions which may be taken by the Commandant on appeal, the Commandant may also remit, mitigate or suspend the assessment in whole or in part.

§ 1.07-80

Upon the taking of remission, mitigation, or suspension action, the Commandant will inform the party of the action and any conditions placed on the action.

[CGD 78-82, 43 FR 54186, Nov. 20, 1978, as amended by CGD 87-008a, 52 FR 17555, May 11, 1987]

§ 1.07-80 Reopening of hearings.

(a) At any time prior to final agency action in a civil penalty case, a party may petition to reopen the hearing on the basis of newly discovered evidence.

(b) Petitions to reopen must be in writing describing the newly found evidence and must state why the evidence would probably produce a different result favorable to the petitioner, whether the evidence was known to the petitioner at the time of the hearing and, if not, why the newly found evidence could not have been discovered in the exercise of due diligence. The party must submit the petition to the Hearing Officer.

(c) The District Commander may file comments in opposition to the petition. If comments are filed, a copy is provided the party.

(d) A petition to reopen is considered by the Hearing Officer unless an appeal has been filed, in which case the petition is considered by the Commandant.

(e) The decision on the petition is decided on the basis of the record, the petition, and the comments in opposition, if any. The petition is granted only when newly found evidence is described which has a direct and material bearing on the issues and when a valid explanation is provided as to why the evidence was not and could not have been, in the exercise of due diligence, produced at the hearing. The decision is rendered in writing.

(f) Following a denial of a petition to reopen, the party is given 30 days to file an appeal if one has not already been filed, or to amend an appeal which has already been filed.

[CGD 78-82, 43 FR 54186, Nov. 20, 1978, as amended by CGD 87-008a, 52 FR 17555, May 11, 1987]

§ 1.07-85 Collection of civil penalties.

(a) Payment of a civil penalty may be made by check or postal money

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order payable to the U.S. Coast Guard.

(b) Within 30 days after receipt of the Commandant's decision on appeal, or the Hearing Officer's decision in a case in which no appeal has been filed, the party must submit payment of any assessed penalty to the office specified in the assessment notice. Failure to make timely payment will result in the institution of appropriate action under the Federal Claims Collection Act and the regulations issued thereunder.

(c) When a penalty of not more than \$200 has been assessed under Chapter 43 or 123 of Title 46 U.S.C., the matter may be referred for collection of the penalty directly to the Federal Magistrate of the jurisdiction wherein the person liable may be found, for the institution of collection procedures under supervision of the district court, if the court has issued an order delegating such authority under section 636(b) of Title 28, United States Code.

[CGD 87-008a, 52 FR 17555, May 11, 1987]

§ 1.07-90 Criminal penalties.

(a) Prosecution in the Federal courts for violations of those laws or regulations enforced by the Coast Guard which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) Except in those cases where the approval of the Commandant is required, the District Commander is authorized to refer the case to the U.S. attorney. The Commandant's approval is required in the following cases where evidence of a criminal offense is disclosed:

(1) Marine casualties or accidents resulting in death.

(2) Marine Boards (46 CFR Part 4).

(3) Violations of port security regulations (33 CFR Parts 6, 121 to 126 inclusive).

(c) The District Commander will identify the laws or regulations which were violated and make specific recommendations concerning the proceed-

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ings to be instituted by the U.S. attorney in every case.

§ 1.07-95 Civil and criminal penalties.

(a) If a violation of law or regulation carries both a civil and a criminal penalty, the District Commander is authorized to determine whether to institute civil penalty proceedings or to refer the case to the U.S. attorney for prosecution in accordance with § 1.07-90.

(b) When the U.S. Attorney declines to institute criminal proceedings, the District Commander decides whether to initiate civil penalty proceedings or to close the case.

§ 1.07-100 Summons in lieu of seizure of commercial fishing industry vessels.

(a) As used in this section, the following terms have the meanings specified:

(1) *Commercial fishing industry vessel* means a fishing vessel, a fish processing vessel, or a fish tender vessel as defined in 46 U.S.C. 2101 (11a), (11b), or (11c), respectively.

(2) *Personal use quantity* means a quantity of a controlled substance as specified in 19 CFR 171.51.

(b) When a commercial fishing industry vessel is subject to seizure for a violation of 21 U.S.C. 881(a)(4), (6), or (7); of 19 U.S.C. 1595a(a); or of 49 U.S.C. App. 782 and the violation involves the possession of a personal use quantity of a controlled substance, the vessel shall be issued a summons to appear as prescribed in subpart F of 19 CFR part 171 in lieu of seizure, provided that the vessel is:

(1) Proceeding to or from a fishing area or intermediate port of call; or

(2) Actively engaged in fishing operations.

(CGD 89-003, 54 FR 37615, Sept. 11, 1989)

APPENDIX

This appendix lists penalty provisions of statutes the Coast Guard is authorized to enforce. It includes penalty provisions of laws that the Coast Guard enforces and administers under this part. It also includes penalty provisions of laws that another agency administers, but the Coast Guard enforces when violations occur on the high seas and waters over which the United

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States has jurisdiction. Although this list is intended to be complete, the omission of any statute from the list has no effect upon the authority of the Coast Guard to enforce a statute not listed. It also states the penalty procedure for violation of each provision ("civil" or "criminal") used by the Coast Guard.

TITLE 8—ALIENS AND NATIONALITY

CHAPTER 8—THE COOLY TRADE

8 U.S.C. 334—Punishment for engaging in cooly trade (criminal)

8 U.S.C. 338—Involuntary transportation of Chinese, Japanese, etc. for purpose of holding to service; penalty (criminal)

TITLE 14—COAST GUARD

CHAPTER 8—FUNCTIONS AND POWERS

14 U.S.C. 83—Unauthorized aids to maritime navigation; penalty (criminal)

14 U.S.C. 84—Interference with aids to navigation; penalty (criminal)

14 U.S.C. 85—Failure to maintain lights; penalty (criminal)

CHAPTER 17—ADMINISTRATION

14 U.S.C. 538 Coast Guard ensigns and pennants (criminal)

14 U.S.C. 639—Penalty for unauthorized use of words "Coast Guard" (criminal)

CHAPTER 25—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY

14 U.S.C. 892—Unauthorized use of Coast Guard Auxiliary flags, pennants, uniforms, insignia (criminal)

TITLE 15—COMMERCE AND TRADE

CHAPTER 24—TRANSPORTATION OF GAMBLING DEVICES

15 U.S.C. 1176—Penalties (criminal)

TITLE 16—CONSERVATION

CHAPTER 5A—PROTECTION AND CONSERVATION OF WILDLIFE GAME, FUR-BEARING ANIMALS AND FISH

16 U.S.C. 668cc-4—Importation of endangered species; penalties for violations; civil penalties for nonwillful violations (civil and criminal)

CHAPTER 10—NORTHERN PACIFIC HALIBUT FISHING

16 U.S.C. 772e—Penalties and forfeitures (criminal)

16 U.S.C. 772f—Penalties relative to records and reports (civil)

CHAPTER 10A—SCKEYE OR PINK SALMON
FISHING

16 U.S.C. 776c—Penalties and forfeitures (criminal)

CHAPTER 11—REGULATION OF LANDING, CURING
AND SALE OF SPONGES TAKEN FROM GULF OF
MEXICO AND STRAITS OF FLORIDA

16 U.S.C. 783—Punishment for violations of law; liability of vessels (criminal)

CHAPTER 13—REGULATIONS OF TRANSPORTATION
IN INTERSTATE COMMERCE OF BLACK BASS
AND OTHER FISH

16 U.S.C. 853—Penalty (criminal)

CHAPTER 14—REGULATION OF WHALING

16 U.S.C. 916f—Violations; fines and penalties (criminal)

CHAPTER 16—TUNA CONVENTIONS

16 U.S.C. 957—Violations; fines and forfeitures (criminal)

CHAPTER 15—NORTHWEST ATLANTIC FISHERIES

16 U.S.C. 989—Penalties (criminal)

CHAPTER 19—NORTH PACIFIC FISHERIES

16 U.S.C. 1030—Penalties (criminal)

CHAPTER 21—PROHIBITION OF FOREIGN FISHING
VESSELS IN THE TERRITORIAL WATERS OF
THE UNITED STATES

16 U.S.C. 1082—Violations and penalties (criminal)

CHAPTER 21B—PROHIBITION OF CERTAIN FOR-
EIGN VESSELS IN UNITED STATES FISHERIES

16 U.S.C. 1100a—Violations and penalties, separate violations (civil)

CHAPTER 24—CONSERVATION AND PROTECTION
OF FUR SEALS, OTHER WILDLIFE, AND SEA
OTTERS

SUBCHAPTER III—PROTECTION OF SEA OTTERS
ON THE HIGH SEAS

16 U.S.C. 1184—Penalties for violations (criminal)

CHAPTER 31—MARINE MAMMAL PROTECTION

16 U.S.C. 1375—Penalties (civil and criminal)

16 U.S.C. 1376—Seizure and forfeiture of cargo; penalties (civil)

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

CHAPTER 3—ANIMALS, BIRDS AND FISH

18 U.S.C. 43—Transportation of wildlife taken in violation of State, National, or foreign laws (criminal)

CHAPTER 7—ASSAULT

18 U.S.C. 111—Assaulting, resisting, or impeding certain officers or employees (criminal)

18 U.S.C. 113—Assault within maritime and territorial jurisdiction (criminal)

18 U.S.C. 114—Maiming within maritime and territorial jurisdiction (criminal)

CHAPTER 11—BRIBERY, GRAFT AND CONFLICTS OF
INTEREST

18 U.S.C. 201—Bribery of public officials and witnesses (criminal)

18 U.S.C. 203—Compensation to members of Congress, officers, and others in matters affecting the Government (criminal)

18 U.S.C. 205—Activities of officers and employees in claims against and other matters affecting the Government (criminal)

18 U.S.C. 219—Officers and employees acting as agents of foreign principals (criminal)

CHAPTER 13—CIVIL RIGHTS

18 U.S.C. 241—Conspiracy against rights of citizens (criminal)

18 U.S.C. 242—Deprivation of rights under color of law (criminal)

18 U.S.C. 244—Discrimination against person wearing uniform of armed forces (criminal)

18 U.S.C. 286—Conspiracy to defraud the Government with respect to claims (criminal)

18 U.S.C. 287—False, fictitious, or fraudulent claims (criminal)

CHAPTER 19—CONSPIRACY

18 U.S.C. 371—Conspiracy to commit offense or to defraud United States (criminal)

18 U.S.C. 372—Conspiracy to impede or injure officer (criminal)

CHAPTER 25—COUNTERFEITING AND FORGERY

18 U.S.C. 496—Customs matters (criminal)

18 U.S.C. 498—Military or naval discharge certificates (criminal)

18 U.S.C. 499—Military, naval or official passes (criminal)

CHAPTER 27—CUSTOMS

18 U.S.C. 545—Smuggling goods into the United States (criminal)

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- 46 U.S.C. 362—Domestic and foreign vessels—laws applicable; reciprocal acceptance of foreign certificates of inspection; fees (civil)
- 46 U.S.C. 369—Examination and approval by Commandant of the Coast Guard—technical staff; qualifications and appointment; duty to pass on plans and specifications; notice of disapproval (civil and criminal)
- 46 U.S.C. 390d—Small passenger-carrying vessel; violations; penalty; liability; jurisdiction (civil)
- 46 U.S.C. 391a—Vessels carrying certain cargoes in bulk, penalties (civil and criminal)
- 46 U.S.C. 398—Navigating barge without certificate (civil)
- 46 U.S.C. 402—Penalty for receiving passengers in absence of unexpired certificate of approval (civil)
- 46 U.S.C. 403—Punishment for certifying falsely (criminal)
- 46 U.S.C. 407—Punishments for improper construction of boilers and unfired pressure vessels (civil)
- 46 U.S.C. 408—Boiler plates (criminal)
- 46 U.S.C. 410—Counterfeiting stamps (criminal)
- 46 U.S.C. 413—Obstructing safety valves (criminal)
- 46 U.S.C. 436—Penalty for failure to make repairs on notice (civil)

CHAPTER 15—TRANSPORTATION OF PASSENGERS AND MERCHANDISE BY STEAM VESSELS

- 46 U.S.C. 452—Penalty for carrying too many passengers (civil and criminal)
- 46 U.S.C. 457—Regattas or marine parades; penalties for violations (civil)
- 46 U.S.C. 461—Penalty for failure to keep list of passengers (civil)
- 46 U.S.C. 471—Punishment for failure to keep watchman (civil)

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- 46 U.S.C. 479—Penalty for not providing proper accommodations for passengers (civil)
- 46 U.S.C. 481—Regulations for vessels subject to Coast Guard—lifesaving and fire-fighting equipment, muster lists, tackle and hawsers, bilge systems (civil and criminal)
- 46 U.S.C. 492—Copies of laws governing marine vessels (civil)
- 46 U.S.C. 497—Title 52 of the Revised statutes as contained in Title 46 of the United States Code; penalty for failure to comply with provisions of (civil and criminal)
- 46 U.S.C. 498—Same; penalty in cases not provided for (civil)

CHAPTER 16—REGULATIONS OF MOTOR BOATS

- 46 U.S.C. 526o—Violations generally; penalties (civil)

CHAPTER 18—MERCHANT SEAMEN

- 46 U.S.C. 542a—Demanding or receiving remuneration for supplying seamen for merchant vessels; penalty (criminal)
- 46 U.S.C. 546—Penalty for personating shipping commissioner (criminal)
- 46 U.S.C. 562—Shipment of crew; indenture of apprentice to be produced to commissioner (civil)
- 46 U.S.C. 563—Same; shipping agreements (criminal)
- 46 U.S.C. 567—Penalty for shipping without agreement (civil)
- 46 U.S.C. 568—Penalty for knowingly shipping seamen without articles (civil)
- 46 U.S.C. 571—Shipping seamen in foreign ports; penalty (civil)
- 46 U.S.C. 575—Penalty for shipping without articles (civil)
- 46 U.S.C. 577—Posting copy of agreement (civil)
- 46 U.S.C. 599—Wages of seamen; advances and allotments (criminal)
- 46 U.S.C. 623—Penalty for neglect of master (civil)
- 46 U.S.C. 626—Payment to district court of money and effects of deceased seamen (civil)
- 46 U.S.C. 641—Discharge; mode (civil)
- 46 U.S.C. 642—Accounting as to wage (civil)
- 46 U.S.C. 643—Continuous discharge book and certificate of identification—issuance (civil and criminal)
- 46 U.S.C. 652—Examination of witnesses (civil)
- 46 U.S.C. 653—Complaint that vessel is unseaworthy (civil)
- 46 U.S.C. 658—Discharge of crew on account of unseaworthiness; penalty for sending unseaworthy vessel to sea (criminal)
- 46 U.S.C. 660—Refusal to pay wages and charges (criminal)
- 46 U.S.C. 660-1—Space and accommodations for crew; hospital compartments (civil)

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- 46 U.S.C. 662—Complaint as to provisions or water; examination (civil)
- 46 U.S.C. 664—Permission from master to enter complaint as to provisions or water (civil)
- 46 U.S.C. 667—Penalty for failure to keep medicines (civil)
- 46 U.S.C. 668—Weights and measures (civil)
- 46 U.S.C. 669—Clothing and heat (civil)
- 46 U.S.C. 670—Slop chests (civil)
- 46 U.S.C. 672—Requirements, qualifications, and regulations as to crews—officers and pilots (civil and criminal)
- 46 U.S.C. 672a—Nationality of crews—officers and pilots (civil)
- 46 U.S.C. 673—Requirements as to watches; duties of seamen; hours of work; penalty (civil)
- 46 U.S.C. 676—Rules as to list of crew (criminal)
- 46 U.S.C. 677—Production of copy of list on return of vessel; production of persons named (civil)
- 46 U.S.C. 684—Wages or discharge in case of sale (criminal)
- 46 U.S.C. 701—Merchant seamen; various offenses; penalties (criminal)
- 46 U.S.C. 710—Carrying sheath knives (civil)

CHAPTER 19—WRECKS AND SALVAGE

- 46 U.S.C. 728—Duty of master to assist persons in danger (criminal)
- 46 U.S.C. 738b—Operator of vessel to give notice of routes; avoidance of ice regions; penalty (civil)
- 46 U.S.C. 738c—Speed of vessel in ice region; penalty (civil)

CHAPTER 24—MERCHANT MARINE ACT, 1920

- 46 U.S.C. 882—Number of passengers cargo vessels may carry (civil)
- 46 U.S.C. 883-1—Corporation as citizen; fisheries and transportation of merchandise or passengers between points in United States (civil)
- 46 U.S.C. 883a—Reports required of United States vessels rebuilt abroad; penalty for failure to report (civil)

CHAPTER 25—SHIP MORTGAGES

- 46 U.S.C. 941—Failure of master to exhibit documents; unlawful acts by mortgagor; liability of collector of customs (criminal)

CHAPTER 27—MERCHANT MARINE ACT, 1936

- 46 U.S.C. 1132—Citizenship of officers and crew vessels documented under laws of United States (criminal)

CHAPTER 29—NAUTICAL INSTRUCTION

- 46 U.S.C. 1333—Inspection of vessels (criminal)

CHAPTER 33—FEDERAL BOAT SAFETY ACT OF 1971

- 46 U.S.C. 1483—Criminal penalties (criminal)
- 46 U.S.C. 1484—Civil penalties (civil)

TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

CHAPTER 2—SUBMARINE CABLES

- 47 U.S.C. 21—Willful injury to; punishment (criminal)
- 47 U.S.C. 22—Negligent injury to; punishment (criminal)
- 47 U.S.C. 24—Vessels laying cables; signals; avoidance of buoys (criminal)
- 47 U.S.C. 25—Fishing vessels; duty to keep nets from cables (criminal)
- 47 U.S.C. 27—Offending vessels to show nationality (criminal)
- 47 U.S.C. 37—Licenses for landing or operating cable connecting United States with foreign country; violations; punishment (criminal)

TITLE 50—WAR AND NATIONAL DEFENSE

CHAPTER 12—VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES

- 50 U.S.C. 192—Seizure and forfeiture; fine and imprisonment (criminal)
- [CGD 74-46, 39 FR 19472, June 3, 1974, as amended by CGD 82-102, 47 FR 54299, Dec. 2, 1982]

Subpart 1.08—Written Warnings by Coast Guard Boarding Officers

AUTHORITY: 14 U.S.C. 633; 49 CFR 1.46(b).

§ 1.08-1 Applicability.

(a) The regulations in this subpart apply to certain violations of the following statutes and regulations for which Coast Guard boarding officers are authorized to issue written warnings instead of recommending civil or criminal penalty procedures under Subpart 1.07 of this part:

- (1) 46 CFR 25.05 whistles or other sound producing devices;
- (2) 33 CFR Part 175, Subpart B and 46 CFR Subpart 25.25, Personal Flotation Devices.
- (3) 46 CFR 25.35 backfire flame control;
- (4) 46 CFR 25.40 ventilation;
- (5) 33 CFR Part 173 numbering;
- (6) 46 U.S.C. 103, documented yachts;
- (7) 33 CFR Part 155 oil pollution prevention; and

(8) 46 CFR 25.30 fire extinguishers;
 (9) 33 CFR Part 159 marine sanitation devices;

(10) 33 CFR Part 175 Subpart C, Visual Distress Signals.

(11) 33 CFR 88.05 Copy of rules.

(b) The Commandant authorizes designated boarding officers to issue warnings for certain minor violations of the statutes and regulations listed in paragraph (a) of this section. Written warnings are not authorized for all violations of these statutes and regulations.

(14 U.S.C. 633, 85 Stat. 228 (46 U.S.C. 1488); 86 Stat. 871 (33 U.S.C. 1322); 49 CFR 1.46(b), (m), and (n)(1))

[CGD 74-155, 41 FR 17894, Apr. 29, 1976, as amended by CGD 77-182, 43 FR 22657, May 25, 1978; CGD 82-040, 47 FR 21042, May 17, 1982; CGD 85-009, 50 FR 10761, Mar. 18, 1985]

§ 1.08-5 Procedures.

(a) A written warning may be issued where the boarding officer determines that:

(1) The observed violation is a first offense; and

(2) The operator states that the violation will be promptly corrected.

(b) A written warning may not be issued where:

(1) The operator is required to be licensed;

(2) The violation is a failure to have required safety equipment on board; or

(3) The boarding officer notes three or more violations during one boarding.

(c) Each district office maintains a record of each written warning issued within that district for a period of not more than one year after date of issue except in cases involving violations of 33 CFR Part 159 marine sanitation devices, records of which are maintained by each district office for not more than three years after date of issue.

(d) The district commander of the district in which the warning is issued may rescind a written warning and institute civil penalty action under § 1.07-9 of this part if a record check discloses a prior written warning or violation issued within one year or in the case of a violation of 33 CFR Part

159 a prior written warning or violation issued within three years.

(e) Within 15 days after the date of issue, any person issued a written warning by a Coast Guard boarding officer may appeal the issuance of the warning to the district commander by providing in writing or in person any information that denies, explains, or mitigates the violations noted in the warning.

(f) Each written warning shall indicate that:

(1) The warning is kept on file for a period of not more than one year after date of issue or in the case of a violation of 33 CFR Part 159 a period of not more than three years for reference in determining appropriate penalty action if there is a subsequent violation;

(2) If a record check reveals a prior written warning or violation within the time period designated in § 1.08-5(d) of this part, the warning may be revoked and civil penalty action instituted;

(3) If an additional violation occurs within the time period designated in § 1.08-5(d) the warning may be used as a basis for the assessment of a higher penalty for the subsequent violation; and

(4) Within 15 days after the date of issue, the person who is issued the warning may appeal to the District Commander by providing in writing or in person any information or material that denies, explains, or mitigates the violations noted in the warning.

(14 U.S.C. 633; 85 Stat. 228 (46 U.S.C. 1488); 86 Stat. 871 (33 U.S.C. 1322); 49 CFR 1.46 (b), (m), and (n)(1))

[CGD 74-155, 41 FR 17894, Apr. 29, 1976, as amended by CGD 77-182, 43 FR 22657, May 25, 1978]

Subpart 1.10—Public Availability of Information

AUTHORITY: 5 U.S.C. 552, 14 U.S.C. 633, sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

SOURCE: CGD-73-54R, 38 FR 12396, May 11, 1973, unless otherwise noted.

§ 1.10-1 Official records and documents.

Identifiable records and documents of the Coast Guard are made available to the public in accordance with the Department of Transportation regulations contained in Part 7 of title 49, Code of Federal Regulations.

§ 1.10-5 Public availability of records and documents.

(a) Each person desiring to inspect a record or document covered by this subpart that is located in Headquarters, or to obtain a copy of such a record or document, must make a written request to the Commandant (GA), U.S. Coast Guard, 2100 Second Street SW., Washington, D.C. 20593.

(b) Each person desiring to inspect a record or document covered by this subpart that is located in a Coast Guard district, or to obtain a copy of such a record or document, must make a written request to the district commander in command of the district, or to the officer-in-charge of the appropriate marine inspection zone. Coast Guard districts and marine inspection zones are listed in Part 3 of this chapter.

(c) If the person making the request does not know where in the Coast Guard the record or document is located, he may send his request to the Commandant (GA) at the address in paragraph (a) of this section.

Subpart 1.20—Testimony by Coast Guard Personnel and Production of Records in Legal Proceedings

§ 1.20-1 Testimony by Coast Guard personnel and production of records.

(a) The regulations in 49 CFR Part 9 apply to the testimony of Coast Guard personnel, production of Coast Guard records, and service of process in legal proceedings.

(b) Except for the acceptance of service of process or pleading, the District Legal Officer of each Coast Guard District, with respect to matters arising within his District, is delegated the functions of the "appropriate counsel of the operating administration concerned" described in 49 CFR Part 9.

(c) A request for a member or employee of the Coast Guard to testify or for permission to interview a member or employee of the Coast Guard District must be made to the District Legal Officer of the Coast Guard District in which the member or employee is serving or if the member or employee is serving at Coast Guard Headquarters, to the Chief Counsel, U.S. Coast Guard.

(d) Process or pleadings in any legal proceeding concerning the Coast Guard may be served, at the option of the server, on the Chief Counsel or the Deputy Chief Counsel of the Coast Guard with the same effect as if served on the Commandant of the Coast Guard. The official accepting the service under this section acknowledges the service and takes further action as appropriate.

(80 Stat. 383, as amended, sec. 1, 33 Stat. 1022, as amended, sec. 9, 80 Stat. 944; 5 U.S.C. 552, 14 U.S.C. 632, 633, 46 U.S.C. 375, 416, 49 U.S.C. 1657 (a) and (c); 49 CFR 1.46, and Part 9)

[CGFR 71-30, 36 FR 8732, May 12, 1971]

Subpart 1.25—Fees and Charges for Certain Records and for Duplicate Documents, Certificates, or Licenses

AUTHORITY: Sec. 3, 60 Stat. 238, as amended; secs. 632, 633, 63 Stat. 545; sec. 501, 65 Stat. 290; 5 U.S.C. 552; 14 U.S.C. 632, 633; Department of Transportation Order 1100.1, Mar. 31, 1967; 49 CFR 1.4(a)(2).

§ 1.25-1 Purpose.

(a) The regulations in this subpart established fees and charges which shall be imposed by the Coast Guard for making copies or excerpts of information or records, and for issuing certain duplicate documents, certificates, or licenses.

(b) These fees and charges are imposed as required by Title V of the Independent Offices Appropriation Act of 1952 (Sec. 501, 65 Stat. 290, 31 U.S.C. 483a). This Act states that it is the sense of Congress that fees and charges shall be charged for services rendered the public by Federal agencies in order that such services may be

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performed on a self-sustaining basis to the fullest extent possible.

§ 1.25-30 Exceptions.

(a) The general policies and instructions of the Bureau of the Budget specify when certain services as specifically described in this subpart will be furnished without charge.

(b) The fees and charges prescribed in this subpart are not applicable when requested by, or furnished to, the following persons, or under the following circumstances:

(1) A person who donated the original document.

(2) A person who has an official, voluntary or cooperative relationship to the Coast Guard in rendering services promoting safety of life and property.

(3) Any agency, corporation or branch of the Federal Government.

(4) A person found guilty by an administrative law judge receives one copy of the transcript of the hearing if he:

(i) Files a notice of appeal, under 46 CFR 5.30-1; and

(ii) Requests a copy of the transcript.

(5) A person who has been required to furnish personal documents retained by the Coast Guard.

(6) For other exceptions see 49 CFR 7.97.

(31 U.S.C. 483a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 67-13, 32 FR 11211, Aug. 2, 1967, as amended by CGD 76-124, 42 FR 23507, May 9, 1977]

§ 1.25-40 Fees for services for the public.

(a) The fees for services performed for the public, as prescribed in sections 552(a) (2) and (3) of title 5, United States Code, by the Department of Transportation are in Subpart I of Title 49, Code of Federal Regulations. The fee schedule for these services is contained in 49 CFR 7.95. The applicable fees are imposed and collected by the Coast Guard as prescribed in 49 CFR 7.93.

(b) The fees that are applicable for copies of Coast Guard records and additional to those described in 49 CFR 7.95 are contained in Table 1.25-40(b). The fee prescribed includes any necessary search charge.

TABLE 1.25-40(b) FEES FOR COAST GUARD RECORDS

Item	Fee
(1) Certificate of Seaman's Service—(a) Compiled on Form CG 723:	
(i) First page.....	\$10.00
(ii) Each additional page.....	5.00
(b) Hard copy of all certificates of service contained in file.....	10.00
(2) Duplicate merchant mariner's document.....	10.00
(3) Duplicate continuous discharge book.....	10.00
(4) Duplicate certificate of registry as staff officer.....	10.00
(5) Certificate of service issued in accordance with sec. 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1190, as amended; 50 U.S.C. App., 581).....	2.50

NOTE: Hard copy of certificates of service will be provided unless form CG 723 is specifically requested.

(Title V, 65 Stat. 268, 290; sec. 6(b)(1), 80 Stat. 937; 31 U.S.C. 483a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20166, Sept. 27, 1972; 37 FR 21481, Oct. 12, 1972, as amended by 40 FR 23743, June 2, 1975; CGD 77-065, 42 FR 31169, June 20, 1977; CGD 89-085, 55 FR 23930, June 13, 1990]

§ 1.25-45 Special admeasurement services.

If an admeasurer is assigned to measure or certify the tonnage of a vessel at the request of the owner thereof at a place other than a port of entry, a custom station, or port where an officer-in-charge, marine inspection, is located, the owner shall pay the admeasurer's:

(a) Pay based on the hourly rate for the grade or level of position held or the daily military compensation rate, as appropriate;

(b) Travel expense based on the estimated cost of travel from and return to the nearest port of entry, customs station, or office of an officer-in-charge, marine inspection; and

(c) Daily subsistence expense from the time he leaves his official duty station until he returns thereto.

(Title V, 65 Stat. 268, 290; sec. 6(b)(1), 80 Stat. 937; 31 U.S.C. 483a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20166, Sept. 27, 1972]

§ 1.25-48 Oceanographic research.

(a) Each person allowed by the Coast Guard to join a Coast Guard voyage for the purpose of oceanographic research is charged the cost of

each meal that he consumes while on board the Coast Guard vessel.

(b) The person, company, association, or government agency engaging a Coast Guard vessel for an oceanographic research study is charged the daily cost of operating the vessel.

(Title V, 65 Stat. 268, 290; sec. 6(b)(1), 80 Stat. 937; 31 U.S.C. 483a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20167, Sept. 27, 1972]

§ 1.25-80 Payment of fees, charges or sales.

(a) The payment of fees and charges must be made by postal money order or check payable to the "Treasurer of the United States" or "U.S. Coast Guard," and sent to the office of the Coast Guard performing the service or furnishing or delivering the record, document, or certificate. If copy is to be transmitted by registered, air, or special delivery mail, postal fees therefor will be added to fees provided in this subpart (or the order must include postage stamps or stamped return envelopes).

(b) The fee is payable in advance.

[CGFR 67-13, 32 FR 11211, Aug. 2, 1967]

Subpart 1.26—Charges for Duplicate Medals, and Sales of Personal Property, Equipment or Services and Rentals

AUTHORITY: 14 U.S.C. 633; 49 CFR 1.46(k).

SOURCE: CGFR 67-13, 32 FR 11211, Aug. 2, 1967, unless otherwise noted.

§ 1.26-1 Purpose.

(a) The regulations in this subpart establish charges which shall be imposed by the Coast Guard when the Coast Guard sells supplies, equipment, apparatus, temporary shelter, and services under certain specified conditions as authorized by law.

(b) These sales are intended to permit repayment of costs involved in those instances which are ordinarily outside the scope of those distress services with which the Coast Guard is primarily concerned (14 U.S.C. 88), or the equipment and apparatus are not readily procurable in the open market.

§ 1.26-5 Replacement of medals.

(a) A medal, or a bar, emblem, or insignia in lieu thereof, that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded by the Coast Guard is replaced without charge by the Coast Guard as authorized in 14 U.S.C. 501.

(b) A medal, a bar, emblem or insignia in lieu thereof, that is lost, destroyed, or rendered unfit for use due to the fault or neglect of the person to whom it was awarded, is replaced after the Coast Guard is reimbursed for its cost. Current prices may be obtained from Commandant (G-PS-5), 2100 2nd St. SW, Washington, DC 20593.

(Sec. 1, 63 Stat. 537, 545; sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 501, 633; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-207R, 37 FR 25167, Nov. 28, 1972 as amended by CGD 85-077, 51 FR 25366, July 14, 1986]

§ 1.26-10 Sales to Coast Guard Auxiliary.

(a) The provisions of Title 14, U.S. Code, section 891, authorizes the Coast Guard to furnish the Coast Guard Auxiliary such items as flags, pennants, uniforms, and insignia at actual cost.

(b) Sales of the following items (when available) are permitted to members of the Auxiliary:

- (1) Auxiliary flags and pennants.
- (2) Uniforms.
- (3) Auxiliary insignia.

(Sec. 891, 63 Stat. 557 (14 U.S.C. 891)).

§ 1.26-15 Sales of nonexcess personal property and services.

(a) **Authority.** The provisions of Title 14, U.S. Code, section 641(b), authorizes the Coast Guard to sell apparatus or equipment manufactured by or in use in the Coast Guard, which is not readily procurable in the open market. The provisions of Title 14, U.S. Code, section 654 (Pub. L. 86-159 approved Aug. 14, 1959), authorize the Coast Guard to sell supplies and furnish services to public and commercial vessels, and other watercraft. The provisions of Title 49, U.S. Code, section 1507 (Act of May 20, 1926, as amended), authorize the Coast Guard to sell

to any aircraft, fuel, oil, equipment, and other supplies, and to furnish mechanical service, temporary shelter, and other assistance.

(b) *Charges established by District Commander.* The charges for supplies and services which may be normally expected to be furnished to persons, corporations, companies, vessels, and other watercraft, and non-Federal aircraft will vary between various geographical regions depending on local circumstances. The District Commander is hereby delegated authority to prescribe and he shall establish, in advance wherever practicable, the charges to be imposed and collected in various areas under his jurisdiction, which will be in accordance with the applicable general minimum terms and conditions in the laws and this section. In those cases where the charges have not been established in advance, the matter shall be priced on an individual basis, taking into consideration the facts and circumstances regarding the situation. The list(s) of charges established by the District Commander shall be available for reading and copying at the office of the issuing District Commander, which list(s) will be up-dated and re-issued when necessary.

(c) *Sales to vessels and other watercraft.* (1) The charges imposed for services are intended to permit repayment of costs involved in those instances where supplies and services are furnished to meet the necessities of the circumstances, and such vessels or watercraft are not within the scope of those distress services performed by the Coast Guard.

(2) Charges for sales of supplies and/or furnishing of services are considered appropriate when the furnishing of food, fuel, general stores, or repairs to the vessel or its equipment are primarily for the convenience of the owner, master, or crew, and furnished at his or their request. It is not intended and the Coast Guard does not procure and stock equipment and supplies except as provided for in current instructions issued by competent authority.

(3) Supplies provided and services performed will be of a limited nature consistent with the situation and

within the capabilities of the Coast Guard unit concerned; provided this will not be in competition with commercial enterprise when such facilities are available and deemed adequate. It is not intended to permit the operators of vessels or watercraft to take advantage of the Government by demanding free supplies or services. Determination as to whether charges will be made is dependent upon the circumstances involved in each instance. The responsibility to make this determination rests with the District Commander who may delegate it to his subordinates.

(4) The minimum charge for any supplies or services furnished to a vessel or other watercraft shall be \$10. The prices for fuels and materials which may be sold will be at Coast Guard cost plus 20 percent or, if readily determinable, at the commercial price in the immediate operating area, whichever is higher. The charges for services furnished a vessel or watercraft will be an average cost equal to the full price, plus taxes, that a boat owner would pay a local commercial concern for such services.

(5) The sales of supplies and services will be documented and will set forth the name, type, and identifying number of the vessel or watercraft receiving supplies or services; name and address of vessel's owner; and conditions under which it was determined to make a sale to the vessel or watercraft. Wherever possible, payment shall be obtained at the time supplies and services are furnished.

(d) *Sales of equipment not readily procurable on the open market.* Charges imposed for sales of apparatus and equipment manufactured by or in use in the Coast Guard which, in the opinion of the Commandant (FS), is not readily procurable in the open market, are subject to the following conditions:

(1) The apparatus or equipment has not been reported as excess to the General Services Administration (if so reported, requests to purchase will be submitted by the Commandant (FS) to the General Services Administration); and,

(2) The apparatus or equipment is not classified for security reasons or is

not dangerous to the public health and safety; and,

(3) The authorized buyers of this apparatus or equipment are foreign, State, or municipal governments or governmental units thereof; parties required to maintain private aids to navigation; contractors engaged on public works; and in other cases in which, in the judgment of the Commandant (FS), the public interest may be served; and,

(4) The approved sales will be at prices determined by the Commandant (FS), which will include an overhead charge not to exceed 25 percent of acquisition cost.

(e) *Sales to and storage of non-Federal aircraft.* (1) Activities having the necessary supplies and facilities are authorized to furnish fuel, oil, equipment, supplies, mechanical services, temporary storage, or other assistance to any aircraft operated by State, municipal, or private enterprise in emergency cases. Complete engines, airplane wings, or other major items of equipment shall not be furnished without prior authority from the Commandant.

(2) Aircraft damaged to the extent that major repairs are required may be given emergency storage at the request of the pilot, provided the necessary facilities are available. No such aircraft will be given a major or minor overhaul. Damaged aircraft may be stored in its original damaged condition. If aircraft requires extensive repairs, such as would include the replacing of major parts and such major parts cannot be made available or supplied within a reasonable length of time by the operator of such aircraft, then the aircraft must be removed from the Coast Guard reservation by the operator without delay.

(3) The Government will not assume any responsibility for any loss or damage incurred by such aircraft while on a Coast Guard reservation and the owner shall be required to remove the aircraft from the reservation at the earliest practicable date.

(4) Storage charges for such aircraft on a Coast Guard reservation shall be as follows:

(i) For the first 6 working days, no charge;

(ii) For each calendar day thereafter, \$3 for a single motor plane and \$5 for a dual or multiengine plane.

(5) In the absence of any information to the contrary regarding a particular item or material, the price at which the item is carried in stock, or on the Plant Property Record (book price) will be regarded as the fair market value.

(6) When materials or services or both materials and services are furnished an aircraft, a deposit equal to the estimated value of such services and materials as will be required shall be obtained in advance of the rendition of the services and issuance of the materials.

(7) The charges for mechanical services rendered (other than in connection with the arrival, refueling, and departure of airplanes) shall be an hourly charge for labor, with a minimum of 1 hour, which shall be the equivalent to the schedule of wage rates for civilian personnel for the district (i.e., machinists, helpers, etc.), regardless of whether the services are performed by enlisted or civilian personnel.

(Sec. 1107, 72 Stat. 798, as amended; sec. 641, 63 Stat. 547, as amended; sec. 1, 73 Stat. 357; 49 U.S.C. 1507; 14 U.S.C. 641(b), 654)

§ 1.26-20 Sales to eligible foreign governments.

(a) *Policy of United States.* The Congressional policy is set forth in Title 22, U.S. Code, section 2351. The Executive Order No. 10973 dated November 3, 1961 (26 FR 10469), describes the administration of foreign assistance and related functions.

(b) *Diplomatic transactions.* Sales of Coast Guard material under reimbursable aid will be by direction of the Commandant (FS) and as approved by the Office of the Chief of Naval Operations. Reimbursable aid transactions are diplomatic transactions and are negotiated primarily between the respective foreign military attaché or other representatives of their embassy in Washington, D.C., and the Office of the Chief of Naval Operations. Prices will be based on material cost only and estimates will not include packing, crating, and handling or transports.

tion costs. Under reimbursable aid, transportation costs are borne by the purchasing country and shipments are usually accomplished on collect commercial bills of lading.

§ 1.26-25 Payment of charges.

(a) The payment of charges shall be by postal money order or check payable to "U.S. Coast Guard," and given or sent to the office of the Coast Guard performing the service or furnishing the supplies, equipment, etc.

PART 2—JURISDICTION

Subpart 2.01—Purpose

Sec.

2.01-1 Purpose.

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2.10-1 Maintenance of decisions.

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2.10-10 Decisions subject to change or modification.

AUTHORITY: 14 U.S.C. 633, 80 Stat. 931 (49 U.S.C. 1655(b)); 49 CFR 1.4(b), 1.46(b).

SOURCE: CGD 75-098, 40 FR 49326, Oct. 22, 1975, unless otherwise noted.

Subpart 2.01—Purpose

§ 2.01-1 Purpose.

The purpose of this part is to inform the public of the definitions which the Coast Guard uses to examine waters to determine whether the Coast Guard has jurisdiction on those waters under particular U.S. laws.

Subpart 2.05—Definitions of Jurisdictional Terms

§ 2.05-1 High seas.

(a) Except as provided in paragraphs (b) and (c) of this section, "high seas" means all waters which are neither territorial seas nor internal waters of the United States or of any foreign country.¹

(b) "High seas", as used in 18 U.S.C. 7(1), means the Great Lakes and waters seaward of the low water line along the coast, except waters within harbors or narrow coastal indentations enclosed by promontories.¹

(c) "High seas", as used in section 2 of the Act of February 19, 1895, as amended, 33 U.S.C. 151, and all laws referring thereto, means the waters seaward of the lines described in Part 82 of this chapter.

§ 2.05-5 Territorial seas.

(a) With respect to the United States, "territorial seas" means the waters within the belt, 3 nautical miles wide, that is adjacent to its coast and seaward of the territorial sea baseline.

(b) With respect to any foreign country, "territorial seas" means the

¹It should be noted that under 14 U.S.C. 89 the Coast Guard is authorized to enforce the laws of the United States upon the "high seas" and waters over which the United States has jurisdiction. Certain of the criminal laws of the United States are based on its special maritime and territorial jurisdiction, one of whose components is the "high seas", as defined in paragraph (b). However, this definition of "high seas" does not apply to the use of "high seas" found in 14 U.S.C. 89, to which the definition in paragraph (a) applies. A clear distinction should be maintained between the Coast Guard's authority under 14 U.S.C. 89 and the jurisdictional base of the criminal laws which apply to the special maritime and territorial jurisdiction. For example, while assault (18 U.S.C. 113) committed seaward of the territorial sea could be committed on the "high seas" for both purposes, an assault committed within the territorial sea could be committed on the "high seas" to bring it within the special maritime and territorial jurisdiction and at the same time be committed on waters over which the United States has jurisdiction (not the "high seas") for purposes of the Coast Guard's authority to undertake enforcement action.

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waters within the belt that is adjacent to its coast and whose breadth and baseline are recognized by the United States.

§ 2.05-10 Territorial sea baseline.

"Territorial Sea Baseline" means the delimitation of the shoreward extent of the territorial seas of the United States drawn in accordance with principles, as recognized by the United States, of the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606. Charts depicting the territorial sea baseline are available for examination in accordance with § 1.10-5(b) of this chapter.

§ 2.05-15 Contiguous zone.

"Contiguous zone" means the belt of high seas, 9 nautical miles wide, that is adjacent to and seaward of the territorial seas of the United States and that was declared to exist in Department of State Public Notice 358 of June 1, 1972, 37 FR 11906.

§ 2.05-20 Internal waters and inland waters.

(a) "Internal waters" and, except as provided in paragraph (b) of this section, "inland waters" mean:

(1) With respect to the United States, the waters shoreward of the territorial sea baseline.

(2) With respect to any foreign country, the waters shoreward of the baseline of its territorial sea, as recognized by the United States.

(b) "Inland waters", as used in 33 U.S.C. Chapter 3, means the waters shoreward of the lines described in Part 82 of this chapter, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of its tributaries emptying thereinto and their tributaries, that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

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§ 2.05-25 Navigable waters of the United States; Navigable Waters; Territorial Waters.²

(a) Except as provided in paragraph (b) of this section, "navigable waters of the United States," "navigable waters," and "territorial waters" mean, except where Congress has designated them not to be navigable waters of the United States:

(1) Territorial seas of the United States;

(2) Internal waters of the United States that are subject to tidal influence; and

(3) Internal waters of the United States not subject to tidal influence that:

(i) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or

(ii) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, highways for substantial interstate or foreign commerce.

(b) "Navigable waters of the United States" and "navigable waters," as used in sections 311 and 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321 and 1322, mean:

(1) Navigable waters of the United States as defined in paragraph (a) of this section and all waters within the United States tributary thereto; and

(2) Other waters over which the Federal Government may exercise Constitutional authority.

²In various laws administered and enforced by the Coast Guard, the terms "State" and "United States" are defined to include some or all of the territories and possessions of the United States. The definitions in §§ 2.05-25 and 2.05-30 should be considered as supplementary to these statutory definitions and not as interpretive of them.

§ 2.05-27 Waters subject to tidal influence; waters subject to the ebb and flow of the tide; mean high water.

"Waters subject to tidal influence" and "waters subject to the ebb and flow of the tide" are interpreted as waters below mean high water. "Mean high water" is the average of the height of the diurnal high water at a particular location measured over a lunar cycle period of 19 years. These terms do not include waters above mean high water caused by flood flows, storms, high winds, seismic waves, or other non-lunar phenomena.

(Secs. 107, 108, Pub. L. 97-322, 96 Stat. 1582 (33 U.S.C. 495, 499, 502, 525, 533); 49 CFR 1.46(c))

[CGD 82-102, 47 FR 54299, Dec. 2, 1982]

§ 2.05-30 Waters subject to the jurisdiction of the United States; waters over which the United States has jurisdiction.²

"Waters subject to the jurisdiction of the United States" and "waters over which the United States has jurisdiction" mean:

(a) Navigable waters of the United States;

(b) Other waters that are located on lands, owned by the United States, with respect to which jurisdiction has been accepted in accordance with 33 U.S.C. 733 by the authorized federal officer having custody, control, or other authority over them;

(c) Other waters that are located on lands, owned by the United States, with respect to which the United States retains concurrent or exclusive jurisdiction from the date that the State in which the lands are located entered the union; and

(d) Waters within the territories and possessions of the United States and the Trust Territories of the Pacific Islands.²

Subpart 2.10—Availability of Jurisdictional Decisions

§ 2.10-1 Maintenance of decisions.

Each Coast Guard district maintains:

(a) A list of waters within the district which the Coast Guard has decided to be navigable waters of the United States for the purposes of its jurisdiction, and

(b) Charts reflecting Coast Guard decisions as to the location of the territorial sea baseline for the purposes of Coast Guard jurisdiction, if the district includes portions of the territorial seas.

§ 2.10-5 Availability of lists and charts.

The lists and charts referred to in § 2.10-1 of this chapter are available to the public and may be inspected or obtained in accordance with § 1.10-5(b) of this chapter.

§ 2.10-10 Decisions subject to change or modification.

The decisions referred to in § 2.10-1 of this subpart are subject to change or modification. Inquiries concerning the status of specific waters, for the purposes of Coast Guard jurisdiction, should be directed to the District Commander of the district in which the waters are located.

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

Subpart 3.01—General Provisions

Sec.

3.01-1 General description.

3.01-5 Assignment of functions.

Subpart 3.04—Coast Guard Areas

3.04-1 Atlantic Area.

3.04-3 Pacific Area.

Subpart 3.05—First Coast Guard District

3.05-1 First district.

3.05-10 Boston Marine Inspection Zone and Captain of the Port Zone.

3.05-15 Portland, Maine Marine Inspection Zone and Captain of the Port Zone.

3.05-20 Providence Marine Inspection Zone and Captain of the Port Zone.

3.05-25 New York Marine Inspection Zone.

3.05-30 New York Captain of the Port Zone.

²See footnote 2 to § 2.05-25.

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- 3.05-35 Long Island Sound Captain of the Port Zone.

Subpart 3.10—Second Coast Guard District

- 3.10-1 Second district.
3.10-10 St. Louis Marine Inspection Zone and Captain of the Port Zone.
3.10-15 Paducah Marine Inspection Zone and Captain of the Port Zone.
3.10-30 Huntington Marine Inspection Zone and Captain of the Port Zone.
3.10-35 Louisville Marine Inspection Zone and Captain of the Port Zone.
3.10-40 Memphis Marine Inspection Zone and Captain of the Port Zone.
3.10-50 Pittsburgh Marine Inspection Zone and Captain of the Port Zone.

Subpart 3.25—Fifth Coast Guard District

- 3.25-1 Fifth district.
3.25-05 Philadelphia Marine Inspection Zone and Captain of the Port Zone.
3.25-10 Hampton Roads Marine Inspection Zone and Captain of the Port Zone.
3.25-15 Baltimore Marine Inspection Zone and Captain of the Port Zone.
3.25-20 Wilmington Marine Inspection Zone and Captain of the Port Zone.

Subpart 3.35—Seventh Coast Guard District

- 3.35-1 Seventh district.
3.35-10 Miami Marine Inspection Zone and Captain of the Port Zone.
3.35-15 Charleston Marine Inspection Zone and Captain of the Port Zone.
3.35-20 Jacksonville Marine Inspection Zone and Captain of the Port Zone.
3.35-25 San Juan Marine Inspection Zone and Captain of the Port Zone.
3.35-30 Savannah Marine Inspection Zone and Captain of the Port Zone.
3.35-35 Tampa Marine Inspection Zone and Captain of the Port Zone.

Subpart 3.40—Eighth Coast Guard District

- 3.40-1 Eighth district.
3.40-10 Mobile Marine Inspection Zone and Captain of the Port Zone.
3.40-15 New Orleans Marine Inspection Zone and Captain of the Port Zone.
3.40-17 Morgan City Marine Inspection Zone and Captain of the Port Zone.
3.40-20 Port Arthur Marine Inspection Zone and Captain of the Port Zone.
3.40-25 Houston Marine Inspection Zone and Captain of the Port Zone.
3.40-30 Galveston Marine Inspection Zone and Captain of the Port Zone.
3.40-35 Corpus Christi Marine Inspection Zone and Captain of the Port Zone.

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Subpart 3.45—Ninth Coast Guard District

- 3.45-1 Ninth district.
3.45-5 Cleveland Marine Inspection Zone and Captain of the Port Zone.
3.45-10 Buffalo Marine Inspection Zone and Captain of the Port Zone.
3.45-15 Chicago Marine Inspection Zone.
3.45-20 Detroit Marine Inspection Zone and Captain of the Port Zone.
3.45-25 Duluth Marine Inspection Zone and Captain of the Port Zone.
3.45-30 Milwaukee Marine Inspection Zone and Captain of the Port Zone.
3.45-35 Sturgeon Bay Marine Inspection Zone.
3.45-45 St. Ignace Marine Inspection Zone and Sault Ste. Marie Captain of the Port Zone.
3.45-50 Toledo Marine Inspection Zone and Captain of the Port Zone.
3.45-60 Chicago Captain of the Port Zone.
3.45-80 Grand Haven Captain of the Port Zone.

Subpart 3.55—Eleventh Coast Guard District

- 3.55-1 Eleventh district.
3.55-10 Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Zone.
3.55-15 San Diego Marine Inspection Zone and Captain of the Port Zone.
3.55-20 San Francisco Marine Inspection Zone and Captain of the Port Zone.

Subpart 3.65—Thirteenth Coast Guard District

- 3.65-1 Thirteenth district.
3.65-10 Puget Sound Marine Inspection Zone and Captain of the Port Zone.
3.65-15 Portland, Oregon, Marine Inspection Zone and Captain of the Port Zone.

Subpart 3.70—Fourteenth Coast Guard District

- 3.70-1 Fourteenth district.
3.70-10 Honolulu Marine Inspection Zone and Captain of the Port Zone.
3.70-15 Guam Marine Inspection Zone and Captain of the Port Zone.

Subpart 3.85—Seventeenth Coast Guard District

- 3.85-1 Seventeenth district.
3.85-10 Southeast Alaska Marine Inspection Zone and Captain of the Port Zone.
3.85-15 Western Alaska Marine Inspection Zone and Captain of the Port Zone.
3.85-20 Prince William Sound Marine Inspection Zone and Captain of the Port Zone.

AUTHORITY: 14 U.S.C. 633; 49 CFR 1.45, 1.46.

Subpart 3.01—General Provisions**§ 3.01-1 General description.**

(a) The structure of the Coast Guard's general organization for the performance of its assigned functions and duties consists of the Commandant, assisted by the Headquarters staff, two Area Offices to act as intermediate echelons of operational command, and District Offices to provide regional direction and coordination. The District Offices operate within defined geographical areas of the United States, its territories, and possessions, including portions of the high seas adjacent thereto. The description of the districts is established by the Commandant under the authority delegated by 49 CFR 1.45 and 1.46.

(b) The two Coast Guard Areas are the Atlantic Area (see § 3.04-1 of this part) and the Pacific Area (see § 3.04-3). The Coast Guard Area Commander is in command of a Coast Guard Area; the offices are referred to as a Coast Guard Area Office. Area Commanders have the responsibility of determining when operational matters require the coordination of forces and facilities of more than one district.

(c) The Coast Guard District Commander is in command of a Coast Guard District and his office may be referred to as a Coast Guard District Office. (See § 1.01-1 of this subchapter.)

(d) An Officer in Charge, Marine Inspection, is in command of a Marine Inspection Zone and his office may be referred to as a Coast Guard Marine Inspection Office. (See § 1.01-20 of this subchapter.)

(e) The Captain of the Port is in command of a Captain of the Port Area and his office may be referred to as a Captain of the Port Office. (See § 1.01-30 of this subchapter.)

(f) Each Captain of the Port Area and each Marine Inspection Zone described in this part also includes the United States territorial seas adjacent to the described Area or Zone for the purpose of enforcing or acting pursuant to a statute effective in the United States territorial seas. Each Captain of the Port Area and each Marine Inspection Zone described in this part also includes the Contiguous Zone adjacent

to the Area or Zone for the purpose of enforcing or acting pursuant to a statute effective in the Contiguous Zone. (See §§ 2.05-5 and 2.05-15.)

(g) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGFR 70-150, 36 FR 909, Jan. 20, 1971, as amended by CGD 77-091, 42 FR 48022, Sept. 22, 1977; CGD 87-008, 52 FR 13083, Apr. 21, 1987; CGD 87-008b, 52 FR 25217, July 6, 1987; CGD 86-082, 52 FR 33810, Sept. 8, 1987]

§ 3.01-5 Assignment of functions.

Sections 1.45 and 1.46 of Title 49, Code of Federal Regulations, authorize the Commandant of the Coast Guard to exercise certain functions, powers, and duties vested in the Secretary of Transportation by law. The general statements of policy in the rules describing Coast Guard organization are prescribed pursuant to 5 U.S.C. 552 (80 Stat. 383, as amended) and 14 U.S.C. 633 (63 Stat. 545).

[CGFR 70-150, 36 FR 910, Jan. 20, 1971]

Subpart 3.04—Coast Guard Areas**§ 3.04-1 Atlantic Area.**

(a) The Area Office is in New York, NY.

(b) The Atlantic Area is comprised of the land areas and U.S. navigable waters of the First, Second, Fifth, Seventh, Eighth and Ninth Coast Guard Districts and the ocean areas lying east of a line extending from the North Pole south along 95° W. longitude to the North American land mass; thence along the east coast of the North, Central, and South American land mass to the intersection with 70° W. longitude; thence due south to the South Pole. These waters extend east to the Eastern Hemisphere divid-

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ing line between the Atlantic and Pacific Areas which lies along a line extending from the North Pole south along 100° E. longitude to the Asian land mass and along a line extending from the South Pole north along 17° E. longitude to the African land mass.

[CGFR 70-150, 36 FR 910, Jan. 20, 1971, as amended by CGD 87-008, 52 FR 13083, Apr. 21, 1987]

§ 3.04-3 Pacific Area.

(a) The Area Office is in San Francisco, Calif.

(b) The Pacific Area is comprised of the land areas and the U.S. navigable waters of the Eleventh, Thirteenth, Fourteenth, and Seventeenth Coast Guard Districts and the ocean areas lying west of a line extending from the North Pole south along 95° W. longitude to the North American land mass; thence along the west coast of the North, Central, and South American land mass to the intersection with 70° W. longitude; thence due south to the South Pole. These waters extend west to the Eastern Hemisphere dividing line between the Atlantic and Pacific Areas which lies along a line extending from the North Pole south along 100° E. longitude to the Asian land mass and along a line extending from the South Pole north along 17° E. longitude to the African land mass.

[CGFR 70-150, 36 FR 910, Jan. 20, 1971, as amended by CGD 87-008, 52 FR 13084, Apr. 21, 1987]

Subpart 3.05—First Coast Guard District

§ 3.05-1 First district.

(a) The District Office is in Boston, Massachusetts.

(b) The First Coast Guard District is comprised of: Maine; New Hampshire; Vermont; Massachusetts; Rhode Island; Connecticut; New York except that part north of latitude 42°N. and west of longitude 74°39' W; that part of New Jersey north of 39°57' N. latitude, east of 74°27' W. longitude, and northeast of a line from 39°57' N. 74°27' W. north west to the New York, New Jersey, & Pennsylvania boundaries at Tristate; all U.S. naval reservations on shore at Newfoundland; the

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ocean area encompassed by the Search and Rescue boundary between Canada and the United States easterly to longitude 63° W; thence due south to latitude 41°N; thence southwesterly along a line bearing 219° T to the point of intersection at 36°43' N. latitude, 67°30' W. longitude with a line bearing 122° T from the New Jersey shoreline at 39°57' N latitude (in the vicinity of Tom's River, New Jersey); thence northwesterly along this line to the coast.

[CGFR 61-40, 26 FR 10344, Nov. 3, 1961, as amended by CGD 87-008, 52 FR 13084, Apr. 21, 1987]

§ 3.05-10 Boston Marine Inspection Zone and Captain of the Port Zone.

(a) The Boston Marine Inspection Office and Captain of the Port Office are located in Boston, Massachusetts.

(b) The boundary of the Boston Marine Inspection Zone and Captain of the Port Zone starts at 42°55' N. latitude, 70°47.7' W. longitude; thence due West to the New York-Vermont Boundary; thence South along the New York State line to the southern boundary of Massachusetts, except the waters of Congamond Lakes, to 42°04.1' N. latitude, 71°06' W. longitude; thence Southeast to Manomet Pt. at 41°55' N. latitude, 70°33' W. longitude; thence Northeast to 42°08' N. latitude, 70°11' W. longitude; thence due East to the Search and Rescue boundary between the United States and Canada at 67° W. longitude.

[CGD 74-169, 39 FR 32558, Sept. 9, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 28, 1979; CGD 84-037, 49 FR 26583, June 28, 1984]

§ 3.05-15 Portland, Maine Marine Inspection Zone and Captain of the Port Zone.

(a) The Portland, Maine Marine Inspection Office and Captain of the Port Office are located in Portland, Maine.

(b) The boundary of the Portland, Maine Marine Inspection Zone and Captain of the Port Zone starts at 42°55' N. latitude, 70°47.7' W. longitude; thence due west to the western boundary of the Vermont State line; thence north along the westernmost

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Vermont County boundaries of Bennington, Windsor, Orange, Washington, Lamont, Caledonia, and Essex to the United States-Canada border; thence continuing along the United States-Canada border to 44°48.8' N. latitude, 66°57' W. longitude.

[CGD 74-169, 39 FR 32558, Sept. 9, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.05-20 Providence Marine Inspection Zone and Captain of the Port Zone.

(a) The Providence Marine Inspection Office and Captain of the Port Office are located in Providence, Rhode Island.

(b) The boundary of the Providence Marine Inspection Zone and Captain of the Port Zone extends along a line bearing 132° T. from Watch Hill Light, Rhode Island, and shoreward from Watch Hill Light in a northerly direction along the east bank of the Pawcatuck River to 41°22.6' N. latitude, 71°50.0' W. longitude at Westerly, Rhode Island; thence northerly along the Rhode Island-Connecticut boundary, including the waters of Beach Pond, to the Massachusetts State Line; thence easterly to 42°04.1' N. latitude, 71°06' W. longitude; thence southeasterly to the shore at Manomet Pt. at 41°55' N. latitude, 70°33' W. longitude; thence seaward northeasterly to 42°08' N. latitude, 70°11' W. longitude; thence due east to the search and rescue boundary between the United States and Canada at 67° W. longitude.

[CGD 74-169, 39 FR 32558, Sept. 9, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979; CGD 84-037, 49 FR 26583, June 28, 1984; CGD 87-101, 53 FR 24935, July 1, 1988]

§ 3.05-25 New York Marine Inspection Zone.

(a) The New York Marine Inspection Office is in New York, New York with a sub-office in New London, Connecticut.

(b) The New York Marine Inspection Zone encompasses the geographical areas delineated in sections 3.05-30 and 3.05-35 of this part.

[CGD 82-080, 47 FR 47811, Oct. 28, 1982. Redesignated by CGD 87-008, 52 FR 13084,

Apr. 21, 1987, and amended by CGD 87-101, 53 FR 24935, July 1, 1988]

§ 3.05-30 New York Captain of the Port Zone.

(a) The New York Captain of the Port Office is located in New York, New York with a sub-office in Albany, New York.

(b) The New York Captain of the Port Zone boundary extends along a line bearing 122° T. from the New Jersey shoreline at 39°57' N. latitude, and shoreward along a line extending due west to 74°27' W. longitude; thence north-northeasterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River in a northwesterly direction to 42°00' N. latitude; thence due east to 74°39' W. longitude; thence due north to the Canadian border; thence easterly along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland counties to the Vermont-New York boundary; thence southerly along the Vermont-New York boundary to its juncture with the Massachusetts-New York boundary; thence south-southwesterly along the Massachusetts-New York boundary to the junction of the Massachusetts, New York, and Connecticut boundaries; thence southerly along the New York-Connecticut boundary to 41°01.5' N. latitude, 73°40.0' W. longitude; thence southerly to the southern shore of Manorsing Island at 40°58.0' N. latitude, 73°40.0' W. longitude; thence south-southeasterly to the north shore of Long Island at Dosoris Island at 40°53.7' N. latitude, 73°38.2' W. longitude; thence southerly, including the waters of Hempstead Harbor, to 40°40' N. latitude, 73°40' W. longitude; thence southwesterly to the south shore of Long Island at 40°35.4' N. latitude, 73°46.6' W. longitude; thence along a line bearing 135° T.

[CGD 82-080, 47 FR 47811, Oct. 28, 1982. Redesignated by CGD 87-008, 52 FR 13084, Apr. 21, 1987, and amended by CGD 87-101, 53 FR 24935, July 1, 1988]

§ 3.05-35 Long Island Sound Captain of the Port Zone.

(a) The Long Island Sound Captain of the Port Office is located in New Haven, Connecticut.

(b) The Long Island Sound Captain of the Port Zone boundary extends along a line bearing 135° T. from the south shore of Long Island at 40°35.4' N. latitude, 73°46.6' W. longitude, and shoreward along a line northeasterly to 40°40' N. latitude, 73°40' W. longitude; thence northerly, excluding all waters of Hempstead Harbor, to the north shore of Long Island at Dosoris Island at 40°53.7' N. latitude, 73°38.2' W. longitude; thence north-northwest-erly to the southern shore of Manurs-ing Island at 40°58.0' N. latitude, 73°40.0' W. longitude; thence northerly to the Connecticut-New York bound-ary at 41°01.5' N. latitude, 73°40.0' W. longitude; thence northerly along the western boundary of Connecticut to the Massachusetts boundary; thence easterly along this boundary, includ-ing the waters of the Congamond Lakes, to the Rhode Island boundary; thence southerly along the Connecti-cut-Rhode Island boundary, excluding the waters of Beach Pond to 42°22.6' N. latitude, 71°50.0' W. longitude at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light, Rhode Island; thence along a line bearing 132° T. from Watch Hill Light.

[CGD 86-004, 51 FR 10541, Mar. 27, 1986; 51 FR 11914, Apr. 2, 1986. Redesignated by CGD 87-008, 52 FR 13084, Apr. 21, 1987, and amended by CGD1 87-101, 53 FR 24935, July 1, 1988]

Subpart 3.10—Second Coast Guard District

SOURCE: CGD 79-011, 44 FR 33400, June 11, 1979, unless otherwise noted.

§ 3.10-1 Second district.

(a) The District Office is in St. Louis, Mo.

(b) The Second Coast Guard District is comprised of Arkansas, West Virgin-ia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, Iowa, and Missouri; that part of Penn-

sylvania south of 41° N. latitude and west of 79° W. longitude; those parts of Ohio and Indiana south of 41° N. latitude; Illinois, except that part north of 41° N. latitude and east of 90° W. longitude; that part of Wisconsin south of 46°20' N. latitude and west of 90° W. longitude; that part of Minne-sota south of 46°20' N. latitude; that part of Alabama north of 34° N. lati-tude; that part of Mississippi north of the southern boundaries of the coun-ties of Washington, Sunflower, Le-flore, Grenada, Calhoun, Chickasaw, Lee, Prentiss, and Tishomingo Coun-ties, except that portion of the Ten-nessee-Tombigbee Waterway south of the Bay Springs Lock and Dam.

[CGFR 87-15, 32 FR 5269, Mar. 29, 1967, as amended by CGD 77-167, 43 FR 2372, Jan. 16, 1978]

§ 3.10-10 St. Louis Marine Inspection Zone and Captain of the Port Zone.

(a) The St. Louis Marine Inspection Office and the St. Louis Captain of the Port Office are located in St. Louis, Missouri.

(b) The St. Louis Marine Inspection Zone and the St. Louis Captain of the Port Zone are comprised of Wyoming; Colorado; North Dakota; South Dakota; Kansas; Nebraska; in Arkan-sas: Boone, Marion, Baxter, and Fulton Counties; all of Missouri except for Scott, Stoddard, Mississippi, New Madrid, Dunklin, and Pemiscot Coun-ties, and those parts of Cape Girar-deau and Bollinger Counties south of a line drawn from the southeast corner of Madison County eastward to the point of intersection of the upper Mississippi River (Mile 55.3) and Union and Alexander Counties (in Illi-nois); all of Iowa; that part of Minne-sota south of 46° 20' N. latitude; that part of Wisconsin south of 46° 20' N. latitude and west of 90° W. longitude; that part of Illinois north of Alexan-der, Pulaski, and Johnson Counties, and west of Johnson, Saline, Hamil-ton, Wayne, Clay, Jasper, Cumber-land, Coles, Douglas, Champaign, and Ford Counties and south of 41° N. lati-tude, and that part of Illinois west of 90° W. longitude and north of 41° N. latitude.

[CGD 86-056, 52 FR 2688, Jan. 26, 1987]

§ 3.10-15 Paducah Marine Inspection Zone and Captain of the Port Zone.

(a) The Paducah Marine Inspection Office and the Paducah Captain of the Port Office are located in Paducah, Kentucky.

(b) The Paducah Marine Inspection Zone and the Paducah Captain of the Port Zone are comprised of: In Missouri: Stoddard, Mississippi and Scott Counties, and those parts of Cape Girardeau and Bollinger Counties south of a line drawn eastward from the southeast corner of Madison County to the point of intersection of the upper Mississippi River (Mile 55.3) and Union and Alexander Counties, and those parts of Dunklin and New Madrid Counties north of a line drawn eastward from the southeast corner of Butler County to the westernmost point of intersection of the Missouri, Kentucky and Tennessee border at the lower Mississippi River (Mile 882.7), and all that part of New Madrid County, and all waters of the Mississippi River which border any part of New Madrid County, lying east of 89° 30' W. longitude (including the area known as Winchester Towhead). In Illinois: Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties. In Kentucky: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Lyon, Trigg, Crittenden, Caldwell, and Christian Counties, and that part of Union County south of a line drawn from the point of intersection of Gallatin and Hardin Counties (in Illinois) and the Ohio River to the point of intersection of Union, Webster and Henderson Counties; all of Tennessee except for Dyer, Crockett, Lauderdale, Tipton, Haywood, Shelby, Fayette, Hardeman and Lake Counties; that part of Alabama north of 34° N. latitude, and in Mississippi: Alcorn, Prentiss, and Tishomingo Counties except for that portion of the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam.

(CGD 86-056, 52 FR 2688, Jan. 26, 1987)

§ 3.10-30 Huntington Marine Inspection Zone and Captain of the Port Zone.

(a) The Huntington Marine Inspection Office and the Huntington Cap-

tain of the Port Office are located in Huntington, West Virginia.

(b) The Huntington Marine Inspection Zone and the Huntington Captain of the Port Zone are comprised of: All of West Virginia except for Preston, Monongalia, Marion, Marshall, Ohio, Brooke, and Hancock Counties; in Ohio: Wayne, Holmes, Knox, Cushton, Licking, Muskingum, Guernsey, Noble, Fairfield, Perry, Morgan, Pickaway, Ross, Hocking, Vinton, Athens, Washington, Pike, Jackson, Gallia, Meigs, Scioto, and Lawrence Counties, those parts of Ashland and Medina Counties south of 41° N. latitude, and that part of Monroe County south and west of a line drawn from the point of intersection of Marshall and Wetzel Counties and the Ohio River to the point of intersection of Belmont, Noble, and Monroe Counties; and in Kentucky: Letcher, Perry, Owsley, Breathitt, Knott, Pike, Floyd, Magoffin, Wolfe, Menifee, Morgan, Johnson, Martin, Lawrence, Elliott, Boyd, Carter, and Greenup Counties, and that part of Lewis County north and east of a line drawn from the point of intersection of Scioto and Adams Counties and the Ohio River to the point of intersection of Carter, Greenup, and Lewis Counties.

§ 3.10-35 Louisville Marine Inspection Zone and Captain of the Port Zone.

(a) The Louisville Marine Inspection Office and the Louisville Captain of the Port Office are located in Louisville, Kentucky.

(b) The Louisville Marine Inspection Zone and the Louisville Captain of the Port Zone are comprised of: that part of Indiana south of 41° N. latitude; that part of Ohio south of 41° N. latitude and west of Ashland, Knox, Licking, Fairfield, Pickaway, Ross, Pike, and Scioto Counties; that part of Illinois north of Pope and Hardin Counties, east of Williamson, Franklin, Jefferson, Marion, Fayette, Effingham, Shelby, Moultrie, Piatt, McLean, and Livingston Counties, and south of 41° N. latitude; and in Kentucky: Todd, Logan, Simpson, Allen, Warren, Barren, Metcalfe, Muhlenberg, Butler, Edmonson, Hart, Green, Taylor, Adair, Casey, Lincoln, Webster, Hop-

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kins, McLean, Ohio, Grayson, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Larue, Nelson, Washington, Marion, Anderson, Mercer, Boyle, Woodford, Jessamine, Garrard, Fayette, Clark, Madison, Estill, Powell, Lee, Bullitt, Spencer, Jefferson, Shelby, Franklin, Scott, Oldham, Henry, Owen, Trimble, Carroll, Montgomery, Bath, Rowan, Bourbon, Nicholas, Fleming, Harrison, Robertson, Mason, Grant, Pendleton, Bracken, Gallatin, Boone, Kenton, Campbell, Monroe, Cumberland, Russell, Clinton, Wayne, Pulaski, McCreary, Rock Castle, Whitley, Jackson, Laurel, Knox, Clay, Bell, Leslie and Harlan Counties, that part of Lewis County south and west of a line drawn from the point of intersection of Scioto and Adams Counties (in Ohio) and the Ohio River to the point of intersection of Carter, Greenup, and Lewis Counties (in Kentucky), and that part of Union County north of a line drawn from the point of intersection of Gallatin and Hardin Counties (in Illinois) and the Ohio River to the point of intersection of Union, Webster, and Henderson Counties (in Kentucky).

[CGD 86-056, 52 FR 2689, Jan. 26, 1987]

§ 3.10-40 Memphis Marine Inspection Zone and Captain of the Port Zone.

(a) The Memphis Marine Inspection Office and the Memphis Captain of the Port Office are located in Memphis, Tennessee.

(b) The Memphis Marine Inspection Zone and the Memphis Captain of the Port Zone are comprised of: Oklahoma; all of Arkansas except for Boone, Marion, Baxter, and Fulton Counties; in Tennessee: Shelby, Fayette, Hardeman, Tipton, Haywood, Lauderdale, Crockett, and Dyer Counties, and all of Lake County, with the exception of the portion of the Mississippi River which borders that part of New Madrid County, Missouri, lying east of 89° 30' W. longitude (including the area known as Winchester Towhead); in Missouri: Pemiscot County, and those portions of Dunklin and New Madrid Counties south of a line drawn eastward from the southeast corner of Butler County to the westernmost point of intersection of the Missouri, Kentucky, and Tennessee borders at

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the lower Mississippi River (Mile 882.7). In Mississippi: DeSoto, Marshall, Benton, Tippah, Tunica, Tate, Coahoma, Quitman, Panola, Lafayette, Union, Pontotoc, Lee, Bolivar, Washington, Sunflower, Tallahatchie, Leflore, Yalobusha, Grenada, Calhoun and Chickasaw Counties.

[CGD 86-056, 52 FR 2689, Jan. 26, 1987]

§ 3.10-50 Pittsburgh Marine Inspection Zone and Captain of the Port Zone.

(a) The Pittsburgh Marine Inspection Office and the Pittsburgh Captain of the Port Office are located in Pittsburgh, Pennsylvania.

(b) The Pittsburgh Marine Inspection Zone and the Pittsburgh Captain of the Port Zone are comprised of: that part of Pennsylvania south of 41° N. latitude and west of 79° W. longitude; in West Virginia: Preston, Monongalia, Marion, Marshall, Ohio, Brooke, and Hancock Counties; and in Ohio: Stark, Columbiana, Tuscarawas, Carroll, Harrison, Jefferson, and Belmont Counties, those parts of Summit, Portage, and Mahoning Counties south of 41° N. latitude, and that part of Monroe County north and east of a line drawn from the point of intersection of Marshall and Wetzel Counties and the Ohio River to the point of intersection of Belmont, Noble, and Monroe Counties.

Subpart 3.25—Fifth Coast Guard District

§ 3.25-1 Fifth district.

(a) The District Office is in Portsmouth, Va.

(b) The Fifth Coast Guard District is comprised of: North Carolina; Virginia, District of Columbia; Maryland; Delaware; that part of Pennsylvania east of a line drawn along 78°55' W. longitude south to 41°00' N. latitude, thence west to 79°00' W. longitude, and thence south to the Pennsylvania-Maryland boundary; that portion of New Jersey that lies south and west of a line drawn from the New Jersey shoreline at 39°57' N. latitude (in the vicinity of Tom's River, N.J.), thence westward to 39°57' N. latitude, 74°27' W. longitude, thence north-northwest to the junction of the New York,

New Jersey, and Pennsylvania boundaries at Tristate; and the ocean area encompassed by a line bearing 122°T from the coastal end of the First and Fifth Coast Guard Districts' land boundary at the intersection of the New Jersey shoreline and 39°57' N. latitude (in the vicinity of Tom's River, New Jersey) to the southernmost point in the First Coast Guard District (a point located at approximately 36°43' N. latitude, 67°30' W. longitude); thence along a line bearing 219°T to the point of intersection with the ocean boundary between the Fifth and Seventh Coast Guard Districts, which is defined as a line bearing 122°T from the coastal end of the Fifth and seventh Coast Guard Districts' land boundary at the shoreline at the North Carolina-South Carolina border, a point located at approximately 30°55' N, 73° W.; thence northwesterly along this line to the coast.

[CGFR 61-40, 26 FR 10347, Nov. 3, 1961, as amended by CGD 87-008, 52 FR 13084, Apr. 21, 1987; 52 FR 16480, May 5, 1987; CGD 87-008b, 52 FR 25217, July 6, 1987]

§ 3.25-05 Philadelphia Marine Inspection Zone and Captain of the Port Zone.

(a) The Philadelphia Marine Inspection Office and the Philadelphia, Captain of the Port Office are located in Philadelphia, Pennsylvania.

(b) The Philadelphia Marine Inspection Zone and the Philadelphia Captain of the Port Zone start at the New Jersey shoreline at 39°57.0' N. latitude; thence westward to 39°57.0' N. latitude, 74°27.0' W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence north following the course of and including the waters of the Delaware River until it meets the New York boundary; thence west along the the New York-Pennsylvania boundary to 78°55.0' W. longitude; thence south to 41°00.0' N. latitude; thence west to 79°00.0' W. longitude; thence south to the Pennsylvania-Maryland boundary; thence east to the junction of the Maryland-Delaware boundary; thence south and then east along the Maryland-Delaware boundary to the sea including Fenwick Island Light, but not including that portion of Delaware

containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal.

[CGD 75-093, 40 FR 45168, Oct. 1, 1975, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979; CGD 82-080, 47 FR 47811, Oct. 28, 1982. Redesignated by CGD 87-008, 52 FR 13084, Apr. 21, 1987. Further amended by CGD 88-052, 53 FR 25119, July 1, 1988]

§ 3.25-10 Hampton Roads Marine Inspection Zone and Captain of the Port Zone.

(a) The Hampton Roads Marine Inspection Office and the Hampton Roads Captain of the Port Office are located in Norfolk, Virginia.

(b) The boundary of the Hampton Roads Marine Inspection Zone, and of the Hampton Roads Captain of the Port Zone, starts at the intersection of the Virginia-Maryland boundary and the coastline and follows the Virginia-Maryland boundary to a point 37°57.2' N. latitude, 76°03' W. longitude on Chesapeake Bay; thence to a point 37°56.5' N. latitude, 76°10.5' W. longitude; thence to a point 37°55' N. latitude, 76°16.8' W. longitude; thence to a point 37°55' N. latitude, 76°28.2' W. longitude; thence to a point 38°19.5' N. latitude, 77°25.2' W. longitude; thence to a point 39°06' N. latitude, 78°30' W. longitude on the Virginia-West Virginia boundary; thence southerly along the Virginia-West Virginia boundary to the Tennessee boundary; thence eastward along the Virginia-Tennessee boundary to the Virginia-North Carolina boundary; thence eastward along the Virginia-North Carolina boundary to Kerr (Buggs Island) Lake; thence along the shoreline of Kerr Lake in North Carolina back to the Virginia-North Carolina boundary; thence eastward along the Virginia-North Carolina boundary to the west bank of the Chowan River; thence southerly along the west bank of the Chowan River to a point 36°00' N. latitude, 76°41' W. longitude; thence generally southerly and easterly along the border of Washington, Beaufort, and Hyde Counties to a point 35°37' N. latitude, 76°32' W. longitude; thence easterly to a point 35°37' N. latitude, 76°00.5' W. longitude; thence generally southwest-erly to a point 35°01.5' N. latitude, 76°20' W. longitude; thence easterly to

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a point 35°01.5' N. latitude, 76°10' W. longitude; thence southeasterly to the sea at 34°59.8' N. latitude, 76°07.8' W. longitude.

[CGD 73-31R, 39 FR 8613, Mar. 6, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.25-15 Baltimore Marine Inspection Zone and Captain of the Port Zone.

(a) The Baltimore Marine Inspection Office and the Baltimore Captain of the Port Office are located in Baltimore, Maryland.

(b) The boundary of the Baltimore Marine Inspection Zone, and of the Baltimore Captain of the Port Zone, starts at the intersection of the Delaware-Maryland boundary and the coastline and follows the Delaware-Maryland boundary west and north to the Pennsylvania boundary but includes the Chesapeake and Delaware Canal and the reaches of the Nanticoke River; thence due west along the Pennsylvania-Maryland boundary to the West Virginia boundary; thence south and eastward along the Maryland-West Virginia boundary to the Virginia boundary; thence southwestward along the Virginia-West Virginia boundary; thence southwestward along the Virginia-West Virginia boundary to a point 39°06' N. latitude, 78°30' W. longitude; thence to a point 38°19.5' N. latitude, 77°25.2' W. longitude; thence to a point 37°55' N. latitude, 76°28.2' W. longitude; thence to a point 37°55' N. latitude, 76°16.8' W. longitude; thence to a point 37°56.5' N. latitude, 76°10.5' W. longitude; thence to a point 37°57.2' N. latitude, 76°03' W. longitude on Chesapeake Bay; thence along the Maryland-Virginia boundary to the sea.

[CGD 73-31R, 39 FR 8614, Mar. 6, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.25-20 Wilmington Marine Inspection Zone and Captain of the Port Zone.

(a) The Wilmington Marine Inspection Office and the Wilmington Captain of the Port Office are located in Wilmington, North Carolina.

(b) The boundary of the Wilmington Marine Inspection Zone, and of the Wilmington Captain of the Port Zone, starts at the sea at 34°59.8' N. latitude,

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76°07.8' W. longitude, and follows a line northwesterly to a point 35°01.5' N. latitude, 76°10' W. longitude; thence westerly to a point 35°01.5' N. latitude, 76°20' W. longitude; thence northeasterly to a point 35°37' N. latitude, 76°00.5' W. longitude; thence westerly to a point 35°37' N. latitude, 76°32' W. longitude; thence north and westerly along the border of Hyde, Beaufort, and Washington Counties to a point 36°00' N. latitude, 76°41' W. longitude; thence northerly along the west bank of the Chowan River to the North Carolina-Virginia boundary; thence westerly along the North Carolina-Virginia boundary to Kerr (Buggs Island) Lake; thence along the shoreline of Kerr Lake in North Carolina to the North Carolina-Virginia boundary; thence westerly along the North Carolina-Virginia boundary to the Tennessee boundary; thence southwesterly along the North Carolina-Tennessee boundary to the Georgia boundary; thence easterly along the North Carolina-Georgia boundary to the South Carolina boundary; thence easterly along the South Carolina-North Carolina boundary to the sea.

[CGD 73-31R, 39 FR 8614, Mar. 6, 1974; CGD 73-31R, 39 FR 12007, Apr. 2, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

Subpart 3.35—Seventh Coast Guard District

§ 3.35-1 Seventh district.

(a) The District Office is in Miami, Fla.

(b) The Seventh Coast Guard District shall comprise South Carolina, Florida, and Georgia, except that part of Florida and Georgia west of a line from the intersection of the Florida coast with longitude 83°50' W. due north to a position 30°15' N., 83°50' W., thence due west to a position 30°15' N., 84°45' W., thence due north to the intersection with the south shore of Jim Woodruff Reservoir, thence along the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up stream to Montezuma, Ga., thence to West Point, Ga.; the Panama Canal Zone; all of the island possessions of the United States per-

taining to Puerto Rico and the Virgin Islands; all of the U.S. naval reservations in the islands of the West Indies and on the north coast of South America; and the ocean areas encompassed by a line bearing 122° T. from the coastal end of the Fifth and Seventh Coast Guard District land boundary to the intersection with the eastern boundary of the National Maritime Search and Rescue Region; thence along the eastern and southern boundary of the National Maritime Search and Rescue Region to the intersection with the off-shore boundary between the Seventh and Eighth Coast Guard Districts which is defined as a line extending 199° T. from the coastal end of the Seventh and Eighth Coast Guard District land boundary; thence along this line to the coast.

[CGFR 61-40, 26 FR 10348, Nov. 3, 1961, as amended by CGFR 70-150, 36 FR 911, Jan. 20, 1971]

§ 3.35-10 Miami Marine Inspection Zone and Captain of the Port Zone.

(a) The Miami Marine Inspection Office and the Miami Captain of the Port Office are located in Miami, Florida.

(b) The boundary of the Miami Marine Inspection Zone, and of the Miami Captain of the Port Zone, starts at the eastern Florida coast at 28°00' N. latitude; thence due west to 28°00' N. latitude, 81°30' W. longitude; thence due south to 26°00' N. latitude, 81°30' W. longitude; thence southwesterly to the southern tip of Cape Romano; and includes all of the Florida Keys and the Dry Tortugas area.

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.35-15 Charleston Marine Inspection Zone and Captain of the Port Zone.

(a) The Charleston Marine Inspection Office and the Charleston Captain of the Port Office are located in Charleston, South Carolina.

(b) The boundary of the Charleston Marine Inspection Zone, and of the Charleston Captain of the Port Zone, starts at the sea at the intersection of the North Carolina-South Carolina boundary; thence westerly along the North Carolina-South Carolina bound-

ary to the intersection of the North Carolina-South Carolina-Georgia boundary; thence southerly along the South Carolina-Georgia boundary to its intersection with the federal dam at the southern end of Hartwell Reservoir; thence southerly along the eastern bank of the Savannah River to 32°30' N. latitude; thence easterly to the eastern bank of the Edisto River at 32°41' N. latitude; thence southerly along the eastern bank of the Edisto River to the southern tip of Bay Point, Edisto Island, South Carolina.

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.35-20 Jacksonville Marine Inspection Zone and Captain of the Port Zone.

(a) The Jacksonville Marine Inspection Office and the Jacksonville Captain of the Port Office are located in Jacksonville, Florida.

(b) The boundary of the Jacksonville Marine Inspection Zone, and of the Jacksonville Captain of the Port Zone, starts at the Georgia coast at 30°50' N. latitude; thence due west to 30°50' N. latitude, 82°15' W. longitude; thence due south to the intersection of the Florida-Georgia boundary at 82°15' W. longitude; thence westerly along the Florida-Georgia boundary to 83°00' W. longitude; thence southeasterly to 28°00' N. latitude; 81°30' W. longitude; thence due east to the sea at 28°00' N. latitude.

[CGD 76-212, 43 FR 1056, Jan. 5, 1978; 43 FR 18553, May 1, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.35-25 San Juan Marine Inspection Zone and Captain of the Port Zone.

(a) The San Juan Marine Inspection Office and the San Juan Captain of the Port Office are located in San Juan, Puerto Rico.

(b) The San Juan Marine Inspection Zone and the San Juan Captain of the Port Zone is comprised of the area of both the Commonwealth of Puerto Rico and the Territory of the Virgin Islands.

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.35-30 Savannah Marine Inspection Zone and Captain of the Port Zone.

(a) The Savannah Marine Inspection Office and the Savannah Captain of the Port Office are located in Savannah, Georgia.

(b) The boundary of the Savannah Marine Inspection Zone, and of the Savannah Captain of the Port Zone, starts at the southern tip of Bay Point, Edisto Island, South Carolina; thence northerly along the eastern bank of the Edisto River to 32°41' N. latitude; thence westerly to the eastern bank of the Savannah River at 32°30' N. latitude; thence northerly along the eastern bank of the Savannah River to the intersection of the South Carolina-Georgia boundary with the federal dam at the southern end of Hartwell Reservoir; thence northerly along the South Carolina-Georgia boundary to the intersection of the North Carolina-South Carolina-Georgia boundary; thence westerly along the Georgia-North Carolina boundary and continuing westerly along the Georgia-Tennessee boundary to the intersection of the Georgia-Tennessee-Alabama boundary; thence southerly along the Georgia-Alabama boundary to 32°53' N. latitude; thence southeasterly to the eastern bank of the Flint River at 32°20' N. latitude; thence southerly along the eastern bank of the Flint River and continuing southerly along the southeastern bank of Jim Woodruff Reservoir to 84°45' W. longitude; thence southerly to the intersection of the Florida-Georgia boundary; thence easterly along the Florida-Georgia boundary to 82°15' W. longitude; thence due north to 30°50' N. latitude, 82°15' W. longitude; thence due east to the sea at 30°50' N. latitude.

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.35-35 Tampa Marine Inspection Zone and Captain of the Port Zone.

(a) The Tampa Marine Inspection Office and the Tampa Captain of the Port Office are located in Tampa, Florida.

(b) The boundary of the Tampa Marine Inspection Zone, and of the Tampa Captain of the Port Zone,

starts at the Florida coast at 83°50' W. longitude; thence due north to 30°15' N. latitude, 83°50' W. longitude; thence due west to 30°15' N. latitude, 84°45' W. longitude; thence due north to the Florida-Georgia boundary at 84°45' W. longitude; thence easterly along the Florida-Georgia boundary to 83°00' W. longitude; thence southeasterly to 28°00' N. latitude, 81°30' W. longitude; thence due south to 26°00' N. latitude, 81°30' W. longitude; thence southwest-erly to the southern tip of Cape Romano.

[CGD 76-212, 43 FR 1056, Jan. 5, 1978, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

Subpart 3.40—Eighth Coast Guard District

§ 3.40-1 Eighth district.

(a) The District Office is in New Orleans, La.

(b) The Eighth Coast Guard District is comprised of: New Mexico, Texas, and Louisiana; that part of Mississippi south of the southern boundaries of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, Lee, Prentiss and Tishomingo Counties; the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam; that part of Alabama south of 34° N. latitude; those parts of Florida and Georgia west of a line starting at the Florida coast at 83°50' W. longitude; thence northerly to 30°15' N. latitude, 83°50' W. longitude; thence due west to 30°15' N. latitude, 84°45' W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45' W. longitude; thence northe-sterly along the eastern bank of the Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to Montezuma, Ga.; thence northerwesterly to West Point, Ga.; and the Gulf of Mexico area west of a line bearing 199° T. from the intersection of the Florida coast at 83°50' W. longitude (the coastal end of the Seventh and Eighth Coast Guard District land boundary).

[CGFR 67-15, 32 FR 5270, Mar. 29, 1967, as amended by CGD 77-167, 43 FR 2372, Jan. 16, 1978]

§ 3.40-10 Mobile Marine Inspection Zone and Captain of the Port Zone.

(a) The Mobile Marine Inspection Office and the Mobile Captain of the Port Office are located in Mobile, Alabama.

(b) The boundary of the Mobile Marine Inspection Zone and Captain of the Port Zone starts at the Florida coast 83°50' W. longitude; thence due north to 30°15' N. latitude, 83°50' W. longitude; thence due west to 30°15' N. latitude, 84°45' W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45' W. longitude; thence northeasterly along the eastern bank of Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to 32°20' N. latitude, 84°02' W. longitude; thence northwesterly to the intersection of the Georgia-Alabama boundary at 32°53' N. latitude; thence northerly along the Georgia-Alabama boundary to 34° N. latitude; thence due west to the Alabama-Mississippi boundary at 34° N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Mississippi; thence westerly and southerly along the southern boundaries of Tishomingo and Prentiss Counties, Mississippi, including that area of the Tennessee-Tombigby Waterway south of the Bay Springs Lock and Dam; thence southerly and westerly along the eastern and southern boundaries of Lee, Chickasaw, and Calhoun Counties, Miss.; thence southerly along the western boundaries of Webster, Choctaw, Winston, Neshoba, Newton, Jasper, Jones, Forrest and Stone Counties, Miss.; thence easterly along the northern boundary of Harrison County, Miss. to 89°10' W. longitude; thence due south to the Mississippi Coast; thence southeasterly to 29°10' N. latitude, 88° W. longitude; thence south to 28°50' N. latitude, 88° W. longitude.

[CGD 74-40, 39 FR 32131, Sept. 5, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979; CGD 87-062, 52 FR 35913, Sept. 24, 1987]

§ 3.40-15 New Orleans Marine Inspection Zone and Captain of the Port Zone.

(a) The New Orleans Marine Inspection Office and the New Orleans Cap-

tain of the Port Office are located in New Orleans, Louisiana.

(b) The boundary of the New Orleans Marine Inspection Zone and Captain of the Port Zone starts at 28°50' N. latitude, 88° W. longitude; northerly to 29°10' N. latitude; thence northeasterly to the Mississippi coast at 89°10' W.; thence north to the northern Harrison County boundary; thence westerly along the northern Harrison County boundary; thence northerly along the western county boundaries of Stone, Forrest, Jones, Jasper, Newton, Neshoba, Winston, Choctaw, and Webster counties to the 8th district line thence west to the Texas-Louisiana border; thence south along the Texas-Louisiana border to the northern DeSoto Parish boundary; thence easterly along the northern and eastern parish boundaries of DeSoto, Sabine, Vernon, Allen parishes thence east along the northern parish boundaries of Acadia, Lafayette, St. Martin, Iberia, Assumption and Lafourche parishes to 29°18' N., 90°00' W.; thence southeast to 28°50' N., 89°27' 06" W., thence east to 88° W. longitude.

[CGD 74-40, 39 FR 32131, Sept. 5, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979; CGD 88-02, 53 FR 5572, Feb. 25, 1988]

§ 3.40-17 Morgan City Marine Inspection Zone and Captain of the Port Zone.

(a) The Morgan City Marine Inspection Office and Captain of the Port Office are in Morgan City, Louisiana.

(b) The boundary of the Morgan City Marine Inspection Zone and the Captain of the Port Zone starts at 23°50' N. latitude, 88° W. longitude; thence due west to 28°50' N. latitude, 89°27' 06" W. longitude; thence northwesterly to 29°18' N. latitude, 90°00' W. longitude; thence northwesterly along the northern boundaries of Lafourche, Assumption, Iberia, and St. Martin parishes; thence westerly along the westerly boundary of Lafayette Parish; thence northwesterly along the northern boundary of Acadia Parish; to an intersection with 92°23' W. longitude; thence south along 92°23' W. longitude to the sea.

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[CGD 87-062, 52 FR 35913, Sept. 24, 1987, as amended by CGD 88-02, 53 FR 5572, Feb. 25, 1988]

§ 3.40-20 Port Arthur Marine Inspection Zone and Captain of the Port Zone.

(a) The Port Arthur Marine Inspection Office and Captain of the Port Office are in Port Arthur, Texas.

(b) The boundary of the Port Arthur Marine Inspection Zone, and the Captain of the Port Zone, starts at the junction of the sea and 92°23' W. longitude; thence north along 92°23' W. longitude to the northern boundary of Acadia Parish; thence westerly along the northern boundary of Acadia Parish; thence northwesterly along the north eastern boundaries of Allen, Vernon, Sabine, De Soto Parishes; thence westerly along the northern boundary of De Soto Parish to the Louisiana-Texas boundary; thence north along the Louisiana-Texas boundary and the Texas-Arkansas boundary; thence westerly along the Texas-Arkansas boundary and the Texas-Oklahoma boundary to 97° W. longitude; thence south along 97° W. longitude to the southern boundary of Dallas County, Texas; thence easterly along the southern boundary of Dallas County, Texas, to the east bank of the Trinity River; thence southeasterly along the east bank of the Trinity River; thence southeasterly along the east shore of Lake Livingston; thence southerly along the east bank of the Trinity River to 30° N. latitude; thence east along 30° N. latitude to 94°23' W. longitude; thence south along 94°23' W. longitude to the sea.

[CGD 74-40, 39 FR 32131, Sept. 5, 1974, as amended by CGD 76-079, 41 FR 37104, Sept. 2, 1976; CGD 77-241, 44 FR 10983, Feb. 26, 1979; CGD 87-062, 52 FR 35913, Sept. 24, 1987]

§ 3.40-25 Houston Marine Inspection Zone and Captain of the Port Zone.

(a) The Houston Marine Inspection Office and the Houston Captain of the Port Office are located in Houston, Tex.

(b) The boundary of the Houston Marine Inspection Zone and Captain of the Port Zone starts at the junction of the east bank of the Trinity River and 30° N. latitude; thence northerly

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along the east bank of the Trinity River; thence northwesterly along the eastern shore of Lake Livingston; thence northwesterly along the east bank of the Trinity River to the southern boundary of Dallas County, Texas; thence westerly along the southern boundary of Dallas County, Texas to 97° W. longitude; thence north along 97° W. longitude to the Texas-Oklahoma boundary; thence northwesterly along the Texas-Oklahoma boundary; thence north along the New Mexico-Oklahoma boundary; thence west along the New Mexico-Colorado boundary; thence south along the New Mexico-Arizona boundary; thence easterly along the southern boundary of New Mexico to the southeast corner of New Mexico at 32° N. latitude; thence southeasterly to 29°18' N. latitude, 96°07' W. longitude; thence northeasterly to 29°35' N. latitude, 94°55' W. longitude; thence north along 94°55' W. longitude to 30° N. latitude; thence east along 30° N. latitude to the east bank of the Trinity River.

[CGD 74-40, 39 FR 32131, Sept. 5, 1974, as amended by CGD 78-051, 43 FR 40224, Sept. 11, 1978; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.40-30 Galveston Marine Inspection Zone and Captain of the Port Zone.

(a) The Galveston Marine Inspection Office and the Galveston Captain of the Port Office are located in Galveston, Texas.

(b) The boundary of the Galveston Marine Inspection Zone and Captain of the Port Zone starts at the junction of the sea and 94°23' W. longitude; thence north along 94°23' W. longitude to 30° N. latitude; thence west along 30° N. latitude to 94°55' W. longitude; thence south to 29°35' N. latitude, 94°55' W. longitude; thence southwesterly to the east bank of the Colorado River at 29°18' N. latitude, 96°07' W. longitude; thence southerly along the east bank of the Colorado River to the sea.

[CGD 74-40, 39 FR 32132, Sept. 5, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.40-35 Corpus Christi Marine Inspection Zone and Captain of the Port Zone.

(a) The Corpus Christi Marine Inspection Office and the Corpus Christi Captain of the Port Office are located in Corpus Christi, Texas.

(b) The boundary of the Corpus Christi Marine Inspection Zone and Captain of the Port Zone starts at the junction of the sea and the east bank of the Colorado River; thence northerly along the east bank of the Colorado River to 29°18' N. latitude, 96°07' W. longitude; thence northwesterly to the southeast corner of New Mexico at 32° N. latitude; thence westerly along the Texas-New Mexico boundary to the international boundary; thence southeasterly along the international boundary to the sea.

[CGD 74-40, 39 FR 32132, Sept. 5, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

Subpart 3.45—Ninth Coast Guard District

SOURCE: CGD 79-011, 44 FR 33401, June 11, 1979, unless otherwise noted.

§ 3.45-1 Ninth district.

(a) The District Office is in Cleveland Ohio.

(b) The Ninth Coast Guard District comprise Michigan, New York north of latitude 42° N. and west of longitude 74°39' W.; Pennsylvania north of latitude 41° and west of longitude 78°55' W.; that part of Ohio and Indiana north of latitude 41° N.; that part of Illinois north of latitude 41° N. and east of longitude 90° W.; Wisconsin, except that part south of latitude 46°20' N. and west of longitude 90° W.; and that part of Minnesota north of latitude 46°20' N.

[CGFR 61-40, 26 FR 10350, Nov. 3, 1961, as amended by CGFR 71-85, 36 FR 16577, Aug. 24, 1971]

§ 3.45-5 Cleveland Marine Inspection Zone and Captain of the Port Zone.

(a) The Cleveland Marine Inspection Office and the Cleveland Captain of the Port Office are located in Cleveland, Ohio.

(b) The Cleveland Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 82°25' W.; thence due south to latitude 41° N.; thence due east to longitude 80°31'12" W. (Ohio/Pennsylvania State boundary); thence due north to the international boundary; thence southwesterly along the international boundary to the starting point.

(c) Notwithstanding paragraph (b) of this section and § 3.10-50(b), factory inspections at the towns of Alliance and Seuring, Ohio, are conducted by marine inspectors from the Cleveland Marine Inspection Office rather than from the Pittsburgh Marine Inspection Office.

[CGD 82-019, 47 FR 13797, Apr. 1, 1982]

§ 3.45-10 Buffalo Marine Inspection Zone and Captain of the Port Zone.

(a) The Buffalo Marine Inspection Office and the Buffalo Captain of the Port Office are located in Buffalo, New York.

(b) The Buffalo Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 80°31'12" W. (Ohio/Pennsylvania State boundary); thence due south to latitude 41° N.; thence due east to longitude 78°55' W.; thence due north to latitude 42° N.; thence due east to longitude 74°39' W.; thence due north to the international boundary; thence southeasterly along the international boundary to the starting point.

[CGD 82-019, 47 FR 13798, Apr. 1, 1982]

§ 3.45-15 Chicago Marine Inspection Zone.

(a) The Chicago Marine Inspection Office is located in Chicago, Illinois.

(b) The Chicago Marine Inspection Zone includes those parts of Michigan, Indiana, Ohio, and Illinois within the following boundaries: From the Illinois-Wisconsin boundary at longitude

90° W.; thence due east to longitude 87° W.; thence due north to latitude 44°15' N.; thence northeasterly to latitude 44°43' N., longitude 86°40' W.; thence due east to longitude 84°30' W.; thence due south to latitude 41° N.; thence due west to longitude 90° W.; thence due north to the starting point.

§ 3.45-20 Detroit Marine Inspection Zone and Captain of the Port Zone.

(a) The Detroit Marine Inspection Office and the Detroit Captain of the Port Office are located in Detroit, Michigan.

(b) The Detroit Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 42° N., longitude 84°30' W.; thence due east to the international boundary; thence northerly along the international boundaries to latitude 44°43' N.; thence due west to longitude 84°30' W.; thence due south to the starting point.

§ 3.45-25 Duluth Marine Inspection Zone and Captain of Port Zone.

(a) The Duluth Marine Inspection Office and the Duluth Captain of the Port Office are located in Duluth, Minnesota.

(b) The boundary of the Duluth Marine Inspection Zone and Captain of the Port Zone starts at the intersection of the Minnesota-North Dakota boundary and the international boundary; thence southerly along the Minnesota-North Dakota boundary to latitude 46°20' N.; thence due east to longitude 88°30' W.; thence northeasterly to the shore of Lake Superior at longitude 87°45' W.; thence northerly to Manitou Island Light, located at latitude 47°25' N., longitude 87°35' W.; thence due north to the international boundary at longitude 87°35' W.; thence westerly along the international boundary to the starting point.

§ 3.45-30 Milwaukee Marine Inspection Zone and Captain of the Port Zone.

(a) The Milwaukee Marine Inspection Office and the Milwaukee Captain of the Port Office are located in Milwaukee, Wisconsin.

(b) The boundary of the Milwaukee Captain of the Port Zone starts at the Illinois-Wisconsin boundary at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 44°15' N.; thence northeasterly to latitude 44°43' N., longitude 86°40' W.; thence due north to latitude 45°27' N.; thence due west to longitude 88°30' W.; thence due north to latitude 46°20' N.; thence due west to longitude 90° W.; thence due south to the starting point.

(c) The boundary of the Milwaukee Marine Inspection Zone starts at the Illinois-Wisconsin boundary at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 43°52'36" N.; thence due west to longitude 88°02'24" W.; thence due north to latitude 44°16'20" N.; thence due west to longitude 90° W.; thence due south to the starting point.

[CGD 82-019, 47 FR 13798, Apr. 1, 1982]

§ 3.45-35 Sturgeon Bay Marine Inspection Zone.

(a) The Sturgeon Bay Marine Inspection Office is located in Sturgeon Bay, Wisconsin.

(b) The boundary of the Sturgeon Bay Marine Inspection Zone starts at latitude 46°20' N.; longitude 90° W.; thence due south to latitude 44°16'20" N.; thence due east to longitude 88°02'24" W.; thence due south to latitude 43°52'36" N.; thence due east to longitude 87° W.; thence due north to latitude 44°15' N.; thence northeasterly to latitude 44°43' N.; longitude 86°40' W.; thence due north to latitude 45°27' N.; thence due west to longitude 88°30' W.; thence due north to latitude 46°20' N.; thence due west to the starting point.

[CGD 82-019, 47 FR 13798, Apr. 1, 1982]

§ 3.45-45 St. Ignace Marine Inspection Zone and Sault Ste. Marie Captain of the Port Zone.

(a) The St. Ignace Marine Inspection Office is located in St. Ignace, Michigan. The Sault Ste. Marie Captain of the Port Office is located in Sault Ste. Marie, Michigan.

(b) The boundary of the St. Ignace Marine Inspection Zone and the Sault Ste. Marie Captain of the Port Zone

starts at the international boundary at latitude 44°43' N.; thence due west to longitude 86°40' W.; thence due north to latitude 45°27' N.; thence due west to longitude 88°30' W.; thence due north to latitude 46°20' N.; thence northeasterly to the shore of Lake Superior at longitude 87°45' W.; thence northerly to Manitou Island Light, located at latitude 47°25' N., longitude 87°35' W.; thence due north to the international boundary at longitude 87°35' W.; thence southeasterly along the international boundary to the starting point.

§ 3.45-50 Toledo Marine Inspection Zone and Captain of the Port Zone.

(a) The Toledo Marine Inspection Office and the Toledo Captain of the Port Office are located in Toledo, Ohio.

(b) The Toledo Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 42° N.; longitude 84°30' W.; thence due south to latitude 41° N.; thence due east to longitude 82°25' W.; thence due north to the international boundary in Lake Erie; thence northwesterly along the international boundary to latitude 42° N.; thence due west to the starting point.

§ 3.45-60 Chicago Captain of the Port Zone.

(a) The Chicago Captain of the Port Office is in Chicago, Illinois.

(b) The Chicago Captain of the Port Zone includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the Illinois-Wisconsin State line at longitude 90° W.; thence due east to longitude 87° W.; thence due south to latitude 41° N.; thence due west to longitude 90° W.; thence due north to the starting point.

[CGFR 62-25, 27 FR 8732, Aug. 31, 1962, as amended by CGFR 71-85, 36 FR 16578, Aug. 24, 1971; CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.45-80 Grand Haven Captain of the Port Zone.

(a) The Grand Haven Captain of the Port Office is in Muskegon, Mich.

(b) The Grand Haven Captain of the Port Zone includes all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 41° N., longitude 37° W.; thence due east to longitude 84°30' W.; thence due north to latitude 44°43' N.; thence due west to longitude 86°40' W.; thence southwesterly to latitude 44°15' N., longitude 87° W.; thence due south to the starting point.

[CGFR 71-85, 36 FR 16578, Aug. 24, 1971, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979; CG 88-112, 54 FR 3777, Jan. 26, 1989]

Subpart 3.55—Eleventh Coast Guard District

§ 3.55-1 Eleventh district.

(a) The District Office is in Long Beach, Calif.

(b) The Eleventh Coast Guard District is comprised of: Arizona; Utah; Nevada; California; and the ocean area bounded by a line from the California-Oregon state line westerly to 40° N. latitude, 150° W. longitude; thence southeasterly to 5° S. latitude, 110° W. longitude; thence northeasterly to the border between Guatemala and Mexico on the Pacific Coast (14°38' N. latitude, 92°19' W. longitude).

[CGFR 61-40, 26 FR 10351, Nov. 3, 1961, as amended by CGD 87-008, 52 FR 13084, Apr. 21, 1987]

§ 3.55-10 Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Zone.

(a) The Los Angeles-Long Beach Marine Inspection Office and the Los Angeles-Long Beach Captain of the Port Office are located in Long Beach, California.

(b) The boundary of the Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Zone starts in California at the intersection of the San Luis Obispo County-Santa Barbara County boundary and the sea and follows this boundary to the Kern County line; thence north and west along the Kern County-San Luis Obispo County boundary to the Kings County line; thence eastward along Kings County-Kern County boundary

to the Tulare County line; thence eastward along the Tulare County-Kern County boundary to the Inyo County line; thence eastward along the Kern County-Inyo County boundary to the San Bernardino County line; thence eastward along the Inyo County-San Bernardino County boundary to the Nevada State line; thence northwest along the California-Nevada boundary to its intersection with the Nye County-Clark County, Nevada boundary; thence north along this boundary to the Lincoln County line; thence east along the Clark County-Lincoln County boundary to the Arizona State line thence north along the Nevada-Arizona boundary to the Utah State line; thence north along the Nevada-Utah boundary to its intersection with the Iron County-Washington County, Utah boundary; thence eastward along this boundary to the Kane County line; thence north and east along the Kane County-Iron County boundary to the Garfield County line; thence northeast along the Garfield County-Iron County boundary to the Beaver County line; thence east along the Beaver County-Garfield County boundary to the Piute County line; thence east along the Piute County-Garfield County boundary to the Wayne County line; thence east along the Garfield County-Wayne County boundary to the San Juan County line; thence northward along the San Juan County-Wayne County boundary to the Grand County line; thence east along the San Juan County-Grand County boundary to the Colorado State line; thence south along the Utah-Colorado boundary to the Arizona State line; thence south along the Arizona-New Mexico boundary to the International boundary; thence west along the International boundary to its intersection with the Imperial County-San Diego County, California boundary; thence north along this boundary to the Riverside County line; thence west along the Riverside County-San Diego County boundary to the Orange County line; thence southwest along the Orange County-San Diego County boundary to the sea. The Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Area also includes the

California islands south and east of the northern boundary of the Eleventh Coast Guard District, that is described in § 3.55-1 of this part (a line drawn from the intersection of latitude 34°58' N. and the California coastline southwesterly, bearing approximately 229° T.), and north and west of a line drawn 255° T. from latitude 33°22.5' N., longitude 117°35.7' W. (San Mateo Point).

[CGD 74-241, 39 FR 44979, Dec. 30, 1974, as amended by CGD 77-234, 43 FR 18553, May 1, 1978; CGD 77-241, 44 FR 10983, Feb. 26, 1979; CGD 82-038, 47 FR 27264, June 24, 1982]

§ 3.55-15 San Diego Marine Inspection Zone and Captain of the Port Zone.

(a) The San Diego Marine Inspection Office and San Diego Captain of the Port Office are located in San Diego, California.

(b) The boundary of the San Diego Marine Inspection Zone and Captain of the Port Zone is the boundary of San Diego County, California, starting and ending at the sea, but also including the California islands south and east of a line that is drawn 255° T. from latitude 33°22.5' N., longitude 117°35.7' W. (San Mateo Point).

[CGD 74-241, 39 FR 44980, Dec. 30, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979; CGD 82-038, 47 FR 27264, June 24, 1982]

§ 3.55-20 San Francisco Marine Inspection Zone and Captain of the Port Zone.

(a) The San Francisco Marine Inspection Office and Captain of the Port Office are located in San Francisco, California.

(b) The San Francisco Marine Inspection Zone and Captain of the Port Zone comprises the land masses and waters of Utah, except for Washington, Kane, San Juan, and Garfield Counties; Nevada, except for Clark County; and all of California north of Santa Barbara, Kern, and San Bernardino Counties.

[CGD 82-019, 47 FR 13798, Apr. 1, 1982. Redesignated by CGD 87-008, 52 FR 13084, Apr. 21, 1987]

Subpart 3.65—Thirteenth Coast Guard District

§ 3.65-1 Thirteenth district.

(a) The District Office is in Seattle, Wash.

(b) The Thirteenth Coast Guard District shall comprise Washington, Oregon, Idaho, and Montana; and the ocean area bounded by a line from California-Oregon state line westerly to latitude 40° N. longitude, 150° W., thence northeasterly to latitude 54°40' N., longitude 140° W., thence due east to the Canadian coast.

[CGFR 61-40, 26 FR 10352, Nov. 3, 1961]

§ 3.65-10 Puget Sound Marine Inspection Zone and Captain of the Port Zone.

(a) The Puget Sound Marine Inspection Office and the Puget Sound Captain of the Port Office are located in Seattle, Washington.

(b) The boundary of the Puget Sound Marine Inspection Zone, and of the Puget Sound Captain of the Port Zone, starts at a point 48°29'35" N. latitude, 124°43'45" W. longitude and follows the international boundary eastward to the Montana-North Dakota boundary; thence southerly along this boundary to the Wyoming State line; thence westerly and southerly along the Montana-Wyoming boundary to the Idaho State line. Thence northwesterly along the Montana-Idaho boundary to 46°55' N. latitude thence westerly to a point 46°55' N. latitude, 123°18' W. longitude; thence northerly to a point 47°32' N. latitude, 123°18' W. longitude; thence westerly along the 47°32' N. latitude to the sea.

[CGD 84-058, 49 FR 33874, Aug. 27, 1984]

§ 3.65-15 Portland, Oregon, Marine Inspection Zone and Captain of the Port Zone.

(a) The Portland Marine Inspection Office and the Portland Captain of the Port Office are located in Portland, Oregon.

(b) The boundary of the Portland Marine Inspection Zone, and of the Portland Captain of the Port Zone, starts at the Washington coast on the 47°32' N. latitude and follows this latitude easterly to a point 47°32' N. latitude, 123°18' W. longitude; thence

south to the 46°55' N. latitude; thence easterly along this latitude to the eastern Idaho State line; thence south-easterly along the Idaho State line to the Idaho-Wyoming boundary junction; thence southerly along the Idaho-Wyoming boundary to the Idaho-Utah-Wyoming boundary junction; thence westerly along the 42° N. latitude to the sea.

[CGD 74-78, 39 FR 17312, May 15, 1974, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

Subpart 3.70—Fourteenth Coast Guard District

§ 3.70-1 Fourteenth district.

(a) The District Office is in Honolulu, Hawaii.

(b) The Fourteenth Coast Guard District shall comprise the State of Hawaii; and the Pacific Islands belonging to the United States south of latitude 40° N., and west of a line running from 40° N., 150° W. through latitude 5° S., 110° W.; the ocean area west and south of a line running from position 51° N., 158° E. to position 43° N., 165° E.; thence due south to latitude 40° N.; thence due east to longitude 150° W.; thence southeasterly through latitude 5° S., longitude 110° W.

[CGFR 61-40, 26 FR 10352, Nov. 3, 1961, as amended by CGFR 70-150, 36 FR 912, Jan. 20, 1971]

§ 3.70-10 Honolulu Marine Inspection Zone and Captain of the Port Zone.

(a) The Honolulu Marine Inspection Office and Captain of the Port Office are in Honolulu, Hawaii.

(b) The Honolulu Marine Inspection Zone and the Honolulu Captain of the Port Zone boundaries are the boundaries of the Fourteenth Coast Guard District, except for the Territory of Guam, the Commonwealth of the Northern Mariana Islands and Palau.

(c) Required notifications to the Officer in Charge, Marine Inspection and/or the Captain of the Port, Honolulu may be made in American Samoa to: United States Coast Guard Liaison Office, American Samoa, P.O. Box 249, Pago Pago, American Samoa 96799.

§ 3.70-15

[CGD 82-01, 47 FR 13798, Apr. 1, 1982, as amended by CDG 88-037, 53 FR 21814, June 10, 1988; CGD 89-039, 54 FR 19166, May 4, 1989]

§ 3.70-15 Guam Marine Inspection Zone and Captain of the Port Zone.

(a) The Guam Marine Inspection Office and Captain of the Port Office are in Agaña, Guam.

(b) The Guam Marine Inspection Zone and the Guam Captain of the Port Zone are comprised of the area of the Territory of Guam, the Commonwealth of the Northern Mariana Islands and Palau.

[CDG 88-037, 53 FR 21815, June 10, 1988, as amended at CGD 89-039, 54 FR 19166, May 4, 1989]

Subpart 3.85—Seventeenth Coast Guard District

§ 3.85-1 Seventeenth district.

(a) The District Office is in Juneau, Alaska.

(b) The Seventeenth Coast Guard District shall comprise the State of Alaska; the ocean area bounded by a line from the Canadian Coast at latitude 54°40' N. due west to longitude 140° W.; thence southwesterly to position 40° N., 150° W.; thence due west to position 40° N., 165° E.; thence due north to latitude 43° N.; thence northwesterly to 51° N., 158° E.; thence north and east along the coastline of the continent of Asia to East Cape; thence north to the Arctic Ocean.

[CGFR 61-40, 26 FR 10353, Nov. 3, 1961, as amended by CGFR 70-150, 36 FR 912, Jan. 20, 1971]

§ 3.85-10 Southeast Alaska Marine Inspection Zone and Captain of the Port Zone.

(a) The Southeast Alaska Marine Inspection Office and the Southeast Alaska Captain of the Port Office are located in Juneau, Alaska.

(b) The Southeast Alaska Marine Inspection Zone and the Southeast Alaska Captain of the Port Zone comprise the State of Alaska southeast of a straight boundary line which starts at 60°01.3' N. latitude, 142° W. longitude, thence proceeds northeasterly to its end at the international boundary between the United States and Canada

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at 60°18.7' N. latitude, 141° W. longitude.

[CGD 75-095, 40 FR 28451, July 7, 1975, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.85-15 Western Alaska Marine Inspection Zone and Captain of the Port Zone.

(a) The Western Alaska Marine Inspection Office and the Western Alaska Captain of the Port Office are located in Anchorage, Alaska.

(b) The Western Alaska Marine Inspection Zone and the Western Alaska Captain of the Port Zone comprise the State of Alaska, except that section of Alaska covered in § 3.85-20(b), that is west of the following described boundary line: A line which starts at 60°01.3' N. latitude, 142° W. longitude; thence northeasterly to the international boundary between the United States and Canada at 60°18.7' N. latitude; thence northerly along the international boundary to the sea at 69°38.8' N. latitude, 141° W. longitude.

[CGD 77-023, 43 FR 36252, July 14, 1977; 43 FR 38354, July 28, 1977, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979]

§ 3.85-20 Prince William Sound Marine Inspection Zone and Captain of the Port Zone.

(a) The Prince William Sound Marine Inspection Office and the Prince William Sound Captain of the Port Office are located in Valdez, Alaska.

(b) The Prince William Sound Marine Inspection Zone and the Prince William Sound Captain of the Port Zone comprise the State of Alaska that falls within the following boundary line: A line which starts at Cape Puget; thence northerly to latitude 61°30' N., longitude 148°26' W.; thence easterly to latitude 61°30' N., longitude 145°30' W.; thence southerly to the sea at longitude 145°30' W.; thence westerly along the coastline to Pt. Whitt; thence southwesterly to Point Bentinck aero-beacon on Hinchinbrook Island; thence southwesterly along the coastline of Hinchinbrook Island to Cape Hinchinbrook Light; thence northwesterly to Schooner Rock Light; thence southwesterly

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along the coastline of Montague Island to latitude 59°50' N., longitude 147°54' W.; thence northwesterly to Point Elrington Light; thence westerly to Cape Puget.

(CGD 77-023, 42 FR 36252, July 14, 1977, as amended by CGD 77-241, 44 FR 10983, Feb. 26, 1979; CGD 79-133, 44 FR 70720, Dec. 10, 1979)

PART 4—OMB CONTROL NUMBERS ASSIGNED PURSUANT TO THE PA- PERWORK REDUCTION ACT

Sec.
4.01 Purpose.
4.02 Display.

AUTHORITY: 44 U.S.C. 3507; 49 CFR 1.45(a).

§ 4.01 Purpose.

This part collects and displays the control numbers assigned to information collection requirements of the Coast Guard by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, (Pub. L. 96-511, 44 U.S.C. 3501 et seq.). The Coast Guard intends that this subpart comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement.

(CGD 84-050, 49 FR 26584, June 28, 1984)

§ 4.02 Display.

33 CFR part or section where identified and described	Current OMB control No.
Part 45	2115-0036
Part 66	2115-0002
Part 66	2115-0002
Part 67	2115-0038
Part 89	2115-0074
Part 100	2115-0017
Part 115	2115-0050
Part 125	2115-0039
Section 126.15(c)	2115-0054
Section 126.15(o)(1)	2115-0105
Section 126.15(o)(7)(vii)	2115-0507
Section 126.17	2115-0013

33 CFR part or section where identified and described	Current OMB control No.
Part 127	2115-0552
Section 135.215	2115-0041
Part 137	2115-0545
Section 140.15	2115-0553
Part 141	2115-0143
Part 146	2115-0003
Section 146.130	2115-0542
Part 151	2115-0025; 0526 and 0544
Section 151.43	2115-0543 and 0544
Section 153.3	2115-0089
Section 153.8	2115-0089
Section 153.10	2115-0089
Section 153.12	2115-0089
Section 153.203	2115-0137
Section 153.483	2115-0089
Section 153.490	2115-0089
Section 153.491	2115-0089
Section 153.500	2115-0089
Section 153.901	2115-0089
Section 153.909	2115-0089
Section 153.1119	2115-0089
Section 153.1120	2115-0089
Section 153.1132	2115-0089
Section 153.1114	2115-0089
Section 153.1116	2115-0089
Section 153.1130	2115-0089
Section 154.107	2115-0097
Section 154.110	2115-0077
Section 154.300	2115-0083 and 0078
Section 154.300 through 154.325	2115-0078
Section 154.740(a)-(e)	2115-0096
Section 154.740(f)	2115-0506
Section 155.107	2115-0097
Section 155.740	2115-0120
Section 155.820(a)-(c)	2115-0096
Section 155.820(d)	2115-0506
Section 156.107	2115-0097
Section 156.150	2115-0506
Part 156, Subpart B	2115-0539
Part 157	2115-0518; 0503 and 0520
Section 157.23	2115-0520
Section 157.37	2115-0520
Section 157.49	2115-0520
Part 158	2115-0543
Section 158.140	2115-0543 and 0544
Section 158.150	2115-0543 and 0544
Section 158.165	2115-0543 and 0544
Section 158.190	2115-0543 and 0544
Part 160	2115-0540
Part 161	2115-0540

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Part 165	2115-0540
Section 165.603(i)	2115-0092
Section 173.23	2115-0009
Section 173.25	2115-0009
Section 173.27	2115-0009
Section 173.55	2115-0010
Section 173.71	2115-0009
Section 179.13	2115-0035
Section 179.15	2115-0035
Section 181.21 through 181.31	2115-0055

(CGD 84-050, 49 FR 26584, June 28, 1984, as amended by CGD 85-043, 50 FR 25573, June 20, 1985; CGD 86-011, 51 FR 5712, Feb. 18, 1986; CGD 86-043, 51 FR 23538, June 30, 1986; CGD 87-040, 52 FR 23653, June 24, 1987; CGD 78-038, 53 FR 3376, Feb. 7, 1988; CGD 88-038, 53 FR 22650, June 17, 1988; CGD 88-038, 53 FR 24936, July 1, 1988)

PART 5—COAST GUARD AUXILIARY

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AUTHORITY: 14 U.S.C. 633; 49 CFR 1.46.

SOURCE: CGFR 46-64, 13 FR 8393, Dec. 22, 1948, unless otherwise noted.

§ 5.01 Definitions.

Certain terms used in this part are defined as follows:

(a) "Act" means the Coast Guard Auxiliary and Reserve Act of 1941, as amended, and recodified by Act of August 4, 1949, as 14 U.S.C. 821 through 832.

(b) "Auxiliary" means the United States Coast Guard Auxiliary established pursuant to the Act.

(c) "Commandant" means the Commandant of the United States Coast Guard.

(d) "Member" means any person who is a member of the Auxiliary.

(e) "Vessel" means a motorboat or yacht.

(f) "Motorboat" means any documented or numbered vessel propelled by machinery, not more than 65 feet in length measured end to end over the deck excluding sheer.

(g) "Yacht" means either (1) any documented or numbered vessel used exclusively for pleasure, or (2) any sailboat used exclusively for pleasure over 16 feet in length measured from end to end over the deck excluding sheer.

(h) "Radio station" means any equipment (including a building which houses such equipment) the use of which to transmit communications by radio is authorized pursuant to law.

(i) "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

(j) "Secretary" means the Secretary of the Treasury when the Coast Guard operates in the Treasury Department or the Secretary of the Navy when the Coast Guard operates as part of the Navy.

(k) "Facility" or "facilities" means a vessel, aircraft, and/or radio station.

[COFR 48-64, 13 FR 8393, Dec. 28, 1948, as amended by COFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.03 Purpose.

The Auxiliary was created in order to assist the Coast Guard to:

(a) Promote safety and to effect rescues on and over the high seas and on navigable waters.

(b) Promote efficiency in the operation of motorboats and yachts.

(c) Foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motorboats and yachts.

(d) Facilitate other operations of the Coast Guard.

§ 5.05 Organization.

The Auxiliary is a nonmilitary organization administered by the Commandant, under the direction of the Secretary.

§ 5.07 Administration.

Any authority vested in the Commandant by this part may be delegated by him to such personnel of the Coast Guard, in such manner and to such extent, as he deems necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

§ 5.09 Eligibility for membership.

To be eligible for membership in the Auxiliary, a person (male or female) must be over 17 years of age; a citizen of the United States or of its Territories and possessions; and either own not less than a twenty-five percent interest in a motorboat, yacht, aircraft, or radio station; or have had such special training or experience as to qualify him in the opinion of the Commandant, for duty in the Auxiliary.

[COFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.11 Membership in military organizations.

Members of the Auxiliary may also be enrolled, enlisted or commissioned in the Coast Guard Reserve. Membership in the Auxiliary is not a bar to

membership in any other naval or military organization.

§ 5.13 Application for membership.

Application for membership in the Auxiliary shall be made on the prescribed form which may be obtained from the Commander of the Coast Guard district in which located. Membership is based on the needs of the Auxiliary and will necessarily vary in the various Coast Guard districts.

[COFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.15 Admission to membership.

An applicant who is accepted for membership shall be enrolled in the Auxiliary and shall be issued a membership certificate and identification card. Mere ownership of such a certificate or card shall not entitle a member of the Auxiliary to be vested with or exercise any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard or the Coast Guard Reserve.

[COFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.17 Disenrollment.

A member of the Auxiliary shall be disenrolled on request; upon ceasing to possess the qualifications for membership; for cause; upon direction of the Commandant; or upon death.

[COFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.19 Training.

The Commandant may authorize members of the Auxiliary to pursue correspondence courses conducted by the Coast Guard Institute at cost when the furnishing of such courses does not interfere with other regular Coast Guard activities.

§ 5.21 Ranks, titles, designations, or grades.

The members of the Auxiliary shall have such ranks, titles, designations, or grades, pursuant to their qualifications, as the Commandant considers necessary for the administration and operation of the Auxiliary.

§ 5.23 Advancement.

The Commandant shall prescribe the circumstances and qualifications

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under which members of the Auxiliary may be advanced.

§ 5.25 Honorary members.

For conspicuous service to or active interest in the Auxiliary, the Commandant may award any person with honorary membership in the Auxiliary. An honorary member of the Auxiliary, solely by reason of such honorary membership, shall not be entitled to any of the rights, benefits, privileges, duties, or obligations of regular members of the Auxiliary.

§ 5.27 Assignment to specific duties.

Members of the Auxiliary shall not be assigned to specific duties until they have been found, after appropriate training and examination, to be competent to perform such duties.

§ 5.29 Assignment to duty on a motorboat, yacht, aircraft, or radio station.

No member of the Auxiliary shall be placed in charge of a motorboat, yacht, aircraft, or radio station assigned to Coast Guard duty unless he has been specifically designated by authority of the Commandant to perform such duty.

§ 5.31 Power and authority.

Members of the Auxiliary, when assigned to specific duties shall, unless otherwise limited by the Commandant, be vested with the same power and authority, in execution of such duties, as members of the regular Coast Guard assigned to similar duties.

§ 5.33 Training, examination, and assignment.

The Commandant will prescribe the type of training, qualifications and examinations required before a member of the Auxiliary shall be deemed qualified to perform certain duties, and will prescribe the circumstances and manner in which certain members of the Auxiliary shall be authorized to perform regular and emergency specific duties.

§ 5.35 Use of facilities.

Section 826 of Title 14, U.S. Code, reads as follows:

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The Coast Guard may utilize for any purpose incident to carrying out its functions and duties as authorized by the Secretary any motorboat, yacht, aircraft, or radio station placed at its disposition for any of such purposes by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.37 Offer of facilities.

Any member of the Auxiliary desiring to place a vessel, aircraft, or radio station at the disposal of the Coast Guard pursuant to the Act and the regulations in this part, shall communicate with the Commander of the Coast Guard district in which located indicating in such communication which facility is offered. Except in emergencies, an offer to the Coast Guard must be made on the prescribed form.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.39 Acceptance of facilities.

No vessel, aircraft or radio station shall be deemed loaned to the Coast Guard until an acceptance, on the prescribed form, has been signed on behalf of the Coast Guard by a person authorized by the Commandant to sign such acceptance and a complete inventory of consumable and expendable stores and equipment has been made and mutually settled by the owner and the representative of the Coast Guard.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.41 Emergencies.

In an emergency, as declared by the Commandant, the offer of a vessel, aircraft, or radio station may be made without the use of the prescribed form, and such facility may be accepted on behalf of the Coast Guard without the use of the acceptance section of the above form or the inventory last above mentioned.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.43 Public vessels, aircraft, and radio stations.

While assigned to Coast Guard duty as authorized herein:

(a) Any motorboat or yacht shall be deemed to be a public vessel of the United States, and within the meaning of section 827 of Title 14, U.S. Code, shall be deemed to be a vessel of the United States Coast Guard.

(b) Any aircraft shall be deemed to be a vessel of the United States Coast Guard within the meaning of section 828 of Title 14, U.S. Code, and shall be deemed to be a "public aircraft" within the meaning of the act of June 23, 1958 (72 Stat. 737; 49 U.S.C. 1301).

(c) Any radio station shall be deemed to be a radio station of the United States Coast Guard and a "Government station" within the meaning of section 829, Title 14, U.S. Code.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.45 Return of facility.

A vessel, aircraft, or radio station placed at the disposal of the Coast Guard for a specific period, shall be returned at the expiration of such period, unless circumstances or emergent need make the return impracticable at that time. The Commandant will determine the method, time, and documents to be exchanged upon the return to the owner of any facility. The property shall be reinventoried as of the time, date and place of redelivery, and mutually settled by the owner and the representative of the Coast Guard. Should the vessel have been accepted under emergent conditions, any claim for lost equipment or stores must be supported by invoices showing the date of purchase and the cost thereof by the person submitting claim therefor. The representative of the Coast Guard shall take all proper precautions to protect the interest of the owner as well as that of the United States.

§ 5.47 Auxiliary ensign.

(a) The Coast Guard Auxiliary ensign is a distinguishing mark, authorized by the Secretary, and may be displayed by any vessel, aircraft, or radio station at such times and under such circumstances as may be authorized by the Commandant. The penalty for the unauthorized flying of any ensign, flag or pennant of the Auxiliary is set forth in § 5.67 of this part.

(b) The field of the Auxiliary ensign is medium blue (Coast Guard blue) with a broad diagonal white slash upon which a matching blue Coast Guard Auxiliary emblem is centered. The white slash shall be at a 70 degree angle, rising away from the hoist.

(c) The Auxiliary emblem consists of a disk with the shield of the Coat of Arms of the United States circumscribed by an annulet edged and inscribed "U.S. COAST GUARD AUXILIARY" all in front of two crossed anchors.

[CGD 85-073, 52 FR 36760, Oct. 1, 1987; 52 FR 37716, Oct. 8, 1987]

§ 5.48 Auxiliary Patrol Boat ensign.

(a) The Coast Guard Auxiliary Patrol Boat ensign is authorized to be flown on all Auxiliary Operational Facility vessels under orders. The penalty for the unauthorized flying of any ensign, flag or pennant of the Auxiliary is set forth in § 5.67 of this part.

(b) The field of the Auxiliary Patrol Boat ensign is white. A medium blue (Coast Guard blue) Coast Guard Auxiliary emblem is centered on a broad diagonal red (Coast Guard red) slash which is at a 70 degree angle, rising toward the hoist. The red (Coast Guard red) slash is followed, away from the hoist, by two narrow, parallel stripes, first a white stripe and then a medium blue (Coast Guard blue) stripe. The entire design is centered on the ensign.

[CGD 85-073, 52 FR 36760, Oct. 1, 1987]

§ 5.49 Reimbursement for expenses.

Any person whose vessel, aircraft, or radio station has been offered to and accepted by the Coast Guard shall, in accordance with instructions of the Commandant, be reimbursed for the actual necessary expenses of operation of such vessel, aircraft, or radio station when assigned to Coast Guard duty. "Actual necessary expenses of operation" includes payment for fuel, oil, power, water, supplies, provisions, and replacement or repair of equipment.

§ 5.51**§ 5.51 Damaged equipment or facilities.**

The Commandant will prescribe the nature of reports to be made and the procedure to be followed upon the return of a vessel, aircraft, or radio station. If such report shows that the vessel, aircraft, or radio station has been damaged, or that any equipment thereof is in need of replacement or repair, the Commandant shall cause an investigation to be made. If, as a result of such investigation, it is found that the responsibility for the damage rests with the Coast Guard; and that the vessel, aircraft, or radio station had been offered to and accepted by the Coast Guard; and that at the time the damage was incurred the facility was assigned, by competent authority, to specific Coast Guard duties; the damages may be repaired or the equipment replaced, in the discretion of the Commandant, whose decision shall be final, either by the Coast Guard or by the owner of the facility at his own expense for which reimbursement will be made by the Coast Guard.

§ 5.53 Constructive or actual loss.

In case of the constructive or actual loss of a vessel, aircraft, or radio station, where such loss is reported to the Coast Guard within six months from the date of such loss, the Commandant will cause an investigation to be made. If, as a result of such investigation, it is found that the responsibility for the loss rests with the Coast Guard; and that the vessel, aircraft, or radio station had been offered to and accepted by the Coast Guard; and that at the time of the loss, the facility was assigned, by competent authority, to specific Coast Guard duties; the Coast Guard will make such payment to the owner of the facility, as in the discretion of the Commandant, whose decision shall be final, will compensate such owner for the constructive or actual loss of his vessel, aircraft, or radio station.

§ 5.55 Compensation.

No member of the Auxiliary shall receive any compensation for his services as a member of the Auxiliary.

§ 5.57 Traveling expenses and per diem.

A member of the Auxiliary, when assigned to specific duties, may be paid actual necessary traveling expenses, including a per diem allowance, in conformity with Comptroller's Manual, U.S. Coast Guard.

[CGFR 49-46, 14 FR 7528, Dec. 16, 1949, as amended by CGFR 61-55, 26 FR 10571, Dec. 28, 1961]

§ 5.59 Medical treatment and hospitalization.

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing patrol duty or any other specific duty to which he has been assigned, such member or his beneficiary shall be entitled to the same benefits as are now or as may hereafter be provided for temporary members of the Coast Guard Reserve who suffer physical injury or death resulting from physical injury incurred in line of duty. Members of the Auxiliary who contract sickness or disease while performing patrol duty or any other specific duty to which they have been assigned shall be entitled to the same hospital treatment as is afforded members of the Regular Coast Guard.

§ 5.61 Uniforms.

Members of the Auxiliary may purchase from the Coast Guard at actual cost such uniforms as may be authorized by the Secretary. Such uniforms may be worn by members of the Auxiliary under such circumstances and upon such occasions as may be authorized by the Commandant.

§ 5.63 Insignia.

Insignia, as authorized by the Secretary, may be purchased from the Coast Guard at actual cost and may be worn by members of the Auxiliary under such circumstances, at such places, and upon such occasions as may be prescribed by the Commandant.

§ 5.65 Medals.

The Commandant may make awards, including medals, to members of the Auxiliary.

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§ 5.67 Penalties.

Section 892 of Title 14, U.S. Code, reads as follows:

Whoever, without proper authority, flies from any building, aircraft, motorboat, yacht, or other vessel, any flag or pennant or displays any identifying insignia or wears any uniform or insignia of the Reserve or the Auxiliary shall be fined not more than \$500.

[CGFR 59-58, 24 FR 10717, Dec. 25, 1959]

§ 5.69 Limitations of rights, privileges, and benefits.

Section 893 of Title 14, U.S. Code, reads as follows:

Members of the Auxiliary and temporary members of the Reserve shall be entitled only to such rights, privileges, and benefits as are specifically set forth for them in this title or as may be specifically provided for them in any other Act of Congress. Any Act of Congress which grants rights, privileges, or benefits generally to military personnel, or among others, to personnel of the Coast Guard and the Coast Guard Reserve, without specifically granting such rights, privileges, or benefits to members of the Auxiliary or temporary members of the Reserve, shall not be deemed applicable to members of the Auxiliary or to temporary members of the Reserve.

[CGFR 59-58, 24 FR 10718, Dec. 25, 1959]

PART 6—PROTECTION AND SECURITY OF VESSELS, HARBORS, AND WATERFRONT FACILITIES

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- 6.01-2 District Commander.
- 6.01-3 Captain of the Port.
- 6.01-4 Waterfront facility.
- 6.01-5 Security zone.

Subpart 6.04—General Provisions

- 6.04-1 Enforcement.
- 6.04-5 Preventing access of persons, articles or things to vessels, or waterfront facilities.
- 6.04-6 Establishing security zones; prohibitions with respect thereto.
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Subpart 6.10—Identification and Exclusion of Persons From Vessels and Waterfront Facilities

- 6.10-1 Issuance of documents and employment of persons aboard vessels.
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Subpart 6.12—Supervision and Control of Explosives or Other Dangerous Cargo

- 6.12-1 General supervision and control.
- 6.12-3 Approval of facility for dangerous cargo.

Subpart 6.14—Security of Waterfront Facilities and Vessels in Port

- 6.14-1 Safety measures.
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Subpart 6.16—Sabotage and Subversive Activity

- 6.16-1 Reporting of sabotage and subversive activity.
- 6.16-3 Precautions against sabotage.

Subpart 6.18—Penalties

- 6.18-1 Violations.

Subpart 6.19—Responsibility for Security of Vessels and Waterfront Facilities

- 6.19-1 Primary responsibility.

AUTHORITY: 40 Stat. 220, as amended; 50 U.S.C. 191.

SOURCE: E. O. 10173, 15 FR 7012, Oct. 20, 1950, unless otherwise noted.

CROSS REFERENCE: For regulations implementing the general enforcement provisions contained in Subparts 6.01—Definitions and 6.04—General Provisions, see Part 125 of this chapter.

Subpart 6.01—Definitions

§ 6.01-1 Commandant.

"Commandant" as used in this part, means the Commandant of the United States Coast Guard.

§ 6.01-2 District Commander.

"District Commander" as used in this part, means the officer of the Coast Guard designated by the Com-

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mandant to command a Coast Guard District.

§ 6.01-3 Captain of the Port.

"Captain of the Port" as used in this part, means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within his assigned area. In addition, the District Commander shall be Captain of the Port with respect to remaining areas in his District not assigned to officers designated by the Commandant as Captain of the Port.

[EO 11249, 30 FR 13001, Oct. 13, 1965]

§ 6.01-4 Waterfront facility.

"Waterfront facility" as used in this part, means all piers, wharves, docks, and similar structures to which vessels may be secured; areas of land, water, or land and water under and in immediate proximity to them; buildings on such structures or contiguous to them and equipment and materials on such structures or in such buildings.

[EO 11249, 30 FR 13001, Oct. 13, 1965]

§ 6.01-5 Security zone.

"Security zone" as used in this part, means all areas of land, water, or land and water, which are so designated by the Captain of the Port for such time as he deems necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

[EO 11249, 30 FR 13001, Oct. 13, 1965]

Subpart 6.04—General Provisions

§ 6.04-1 Enforcement.

(a) The rules and regulations in this part shall be enforced by the captain of the port under the supervision and general direction of the District Commander and the Commandant, and all authority and power vested in the captain of the port by the regulations in this part shall be deemed vested in

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and may be exercised by the District Commander and the Commandant.

(b) The rules and regulations in this part may be enforced by any other officer of the Coast Guard designated by the Commandant or the District Commander.

[EO 10173, 15 FR 7012, Oct. 20, 1950, as amended by EO 10277, 16 FR 7541, Aug. 2, 1951]

§ 6.04-5 Preventing access of persons, articles or things to vessels, or waterfront facilities.

The Captain of the Port may prevent any person, article, or thing from boarding or being taken or placed on board any vessel or entering or being taken into or upon or placed in or upon any waterfront facility whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any vessel, or waterfront facility or waters of the United States, or to secure the observances of rights and obligations of the United States.

[EO 11249, 30 FR 13001, Oct. 13, 1965]

§ 6.04-6 Establishing security zones; prohibitions with respect thereto.

The Captain of a Port may establish security zones subject to the terms and conditions specified in § 6.01-5. No person or vessel shall enter a security zone without the permission of the Captain of the Port. No person shall board or take or place any article or thing on board any vessel in a security zone without the permission of the Captain of the Port. No person shall take or place any article or thing upon any waterfront facility in any such zone without such permission.

[EO 11249, 30 FR 13001, Oct. 13, 1965]

§ 6.04-7 Visitation, search, and removal.

The Captain of the Port may cause to be inspected and searched at any time any vessel, waterfront facility, or security zone, or any person, article, or thing thereon or therein, within the jurisdiction of the United States, may place guards upon any such vessel, waterfront facility, or security zone and may remove therefrom any and all

persons, articles, or things not specifically authorized by him to go or remain thereon or therein.

[EO 11249, 30 FR 13002, Oct. 13, 1965]

§ 6.04-8 Possession and control of vessels.

The Captain of the port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof, within the territorial waters of the United States under his jurisdiction, whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury, or to prevent damage or injury to any vessel or waterfront facility or waters of the United States, or to secure the observance of rights and obligations of the United States.

§ 6.04-11 Assistance of other agencies.

The Captain of the port may enlist the aid and cooperation of Federal, State, county, municipal, and private agencies to assist in the enforcement of regulations issued pursuant to this part.

Subpart 6.10—Identification and Exclusion of Persons From Vessels and Waterfront Facilities

§ 6.10-1 Issuance of documents and employment of persons aboard vessels.

No person shall be issued a document required for employment on a merchant vessel of the United States nor shall any person be employed on a merchant vessel of the United States unless the Commandant is satisfied that the character and habits of life of such person are such as to authorize the belief that the presence of the individual on board would not be inimical to the security of the United States: *Provided*, That the Commandant may designate categories of merchant vessels to which the foregoing shall not apply.

[EO 10352, 17 FR 4624, May 21, 1952]

§ 6.10-5 Access to vessels and waterfront facilities.

Any person on board any vessel or any person seeking access to any

vessel or any waterfront facility within the jurisdiction of the United States may be required to carry identification credentials issued by or otherwise satisfactory to the Commandant. The Commandant may define and designate those categories of vessels and areas of the waterfront wherein such credentials are required.

§ 6.10-7 Identification credentials.

The identification credential to be issued by the Commandant shall be known as the Coast Guard Port Security Card, and the form of such credential, and the conditions and the manner of its issuance shall be as prescribed by the Commandant after consultation with the Secretary of Labor. The Commandant shall not issue a Coast Guard Port Security Card unless he is satisfied that the character and habits of life of the applicant therefor are such as to authorize the belief that the presence of such individual on board a vessel or within a waterfront facility would not be inimical to the security of the United States. The Commandant shall revoke and require the surrender of a Coast Guard Port Security Card when he is no longer satisfied that the holder is entitled thereto. The Commandant may recognize for the same purpose such other credentials as he may designate in lieu of the Coast Guard Port Security Card.

[EO 10277, 16 FR 7541, Aug. 2, 1951]

§ 6.10-9 Appeals.

Persons who are refused employment or who are refused the issuance of documents or who are required to surrender such documents, under this subpart, shall have the right of appeal, and the Commandant shall appoint Boards for acting on such appeals. Each such Board shall, so far as practicable, be composed of one Coast Guard officer, one member drawn from management, and one member drawn from labor. The members drawn from management and labor shall, upon suitable security clearance, be nominated by the Secretary of Labor. Such members shall be deemed to be employees of the United States and shall be entitled to compensation

under the provisions of section 15 of the act of August 2, 1946 (5 U.S.C. 55a) while performing duties incident to such employment. The Board shall consider each appeal brought before it and, in recommending final action to the Commandant, shall insure the appellant all fairness consistent with the safeguarding of the national security.

Subpart 6.12—Supervision and Control of Explosives or Other Dangerous Cargo

§ 6.12-1 General supervision and control

The Captain of the Port may supervise and control the transportation, handling, loading, discharging, stowage, or storage of hazardous materials on board vessels as covered by the regulations in 49 CFR Parts 170-189, 46 CFR Parts 150-156, 46 CFR Parts 146-148 and the regulations governing tank vessels (46 CFR Parts 30-39).

[CGD 77-228, 43 FR 53427, Nov. 16, 1978]

§ 6.12-3 Approval of facility for dangerous cargo.

The Commandant may designate waterfront facilities for the handling and storage of, and for vessel loading and discharging, explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations referred to in § 6.12-1, and may require the owners, operators, masters, and others concerned to secure permits for such handling, storage, loading, and unloading from the Captain of the Port, conditioned upon the fulfillment of such requirements for the safeguarding of such waterfront facilities and vessels as the Commandant may prescribe.

Subpart 6.14—Security of Waterfront Facilities and Vessels in Port

§ 6.14-1 Safety measures.

The Commandant, in order to achieve the purposes of this part, may prescribe such conditions and restrictions relating to the safety of waterfront facilities and vessels in port as he finds to be necessary under existing circumstances. Such conditions and restrictions may extend, but shall not be limited to, the inspection, operation,

maintenance, guarding, and manning of, and fire-prevention measures for such vessels and waterfront facilities.

[EO 10277, 16 FR 7541, Aug. 2, 1951]

§ 6.14-2 Condition of waterfront facility danger to vessel.

Whenever the captain of the port finds that the mooring of any vessel to a wharf, dock, pier, or other waterfront structure would endanger such vessel, or any other vessel, or the harbor or any facility therein by reason of conditions existing on or about such wharf, dock, pier, or other waterfront structure, including, but not limited to, inadequate guard service, insufficient lighting, fire hazards, inadequate fire protection, unsafe machinery, internal disturbance, or unsatisfactory operation, the captain of the port may prevent the mooring of any vessel to such wharf, dock, pier, or other waterfront structure until the unsatisfactory condition or conditions so found are corrected, and he may for the same reasons, after any vessel has been moored, compel the shifting of such vessel from any such wharf, dock, pier, or other waterfront structure.

[EO 10277, 16 FR 7541, Aug. 2, 1951]

Subpart 6.16—Sabotage and Subversive Activity

§ 6.16-1 Reporting of sabotage and subversive activity.

Evidence of sabotage or subversive activity involving or endangering any vessel, harbor, port, or waterfront facility shall be reported immediately to the Federal Bureau of Investigation and to the captain of the port, or to their respective representatives.

§ 6.16-3 Precautions against sabotage.

The master, owner, agent, or operator of a vessel or waterfront facility shall take all necessary precautions to protect the vessel, waterfront facility, and cargo from sabotage.

Subpart 6.18—Penalties**§ 6.18-1 Violations.**

Section 2, Title II of the act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than \$10,000.

Subpart 6.19—Responsibility for Security of Vessels and Waterfront Facilities**§ 6.19-1 Primary responsibility.**

Nothing contained in this part shall be construed as relieving the masters, owners, operators, and agents of vessels or other waterfront facilities from their primary responsibility for the protection and security of such vessels or waterfront facilities.

[EO 10277, 16 FR 7541, Aug. 2, 1951]

PART 8—UNITED STATES COAST GUARD RESERVE

Sec.

8.1 Functions of the Coast Guard Reserve.

8.3 Organization of the Coast Guard Reserve.

8.5 Regulations for the Coast Guard Reserve.

8.7 Information.

AUTHORITY: 14 U.S.C. 633.

SOURCE: CGD 79-105, 48 FR 36449, Aug. 11, 1983, unless otherwise noted.

§ 8.1 Functions of the Coast Guard Reserve.

(a) The Coast Guard Reserve is a component of the Coast Guard. The Coast Guard Reserve trains personnel for mobilization and for augmentation of the regular Coast Guard.

(b) Members of the Coast Guard Reserve can be used for:

(1) Partial of full mobilization under 10 U.S.C. 672 or 10 U.S.C. 673;

(2) Voluntary or involuntary call-up for emergency augmentation of the regular Coast Guard during time of serious natural or man-made disaster under 14 U.S.C. 712; and

(3) Augmentation of the regular Coast Guard during active duty or inactive duty for training.

(c) A member of the Reserve on active duty or inactive duty training has the same authority, rights, and privileges in the performance of that duty as a member of the regular Coast Guard of corresponding grade or rating.

§ 8.3 Organization of the Coast Guard Reserve.

(a) The Coast Guard Reserve is organized, trained and equipped under the direction of the Commandant.

(b) The Chief, Office of Reserve is responsible for the overall administration and supervision of the Reserve.

(c) The Chief, Reserve Division, of a Coast Guard district, under the general direction of the District Commander, has responsibility for the district's Reserve program.

(d) Coast Guard Reserve groups and their subordinate units are shore units of the Coast Guard, whose mission is to prepare Reservists to perform the duties of their mobilization assignments while at the same time providing assistance to the active service. These groups and units parallel, to the greatest extent possible, the active commands which they augment.

§ 8.5

§ 8.5 Regulations for the Coast Guard Reserve.

(a) Regulations for the Coast Guard Reserve are established by the Commandant.

(b) Permanent regulations are published in Coast Guard publications and manuals and include the following:

- (1) Coast Guard Regulations.
- (2) Coast Guard Organization Manual.
- (3) Coast Guard Reserve Administrative Manual.
- (4) Personnel Manual.
- (5) Reserve Training Manual.
- (6) Recruiting Manual.
- (7) Military Justice Manual.
- (8) Comptroller Manual.

(c) Temporary regulations and orders affecting Reservists are included in instructions or notices in the Coast Guard directives system.

(d) Regulations for the Reserve within a Coast Guard district are established by the District Commander and are published in the district's directives system. Note: Other regulations that affect the Reserve are located in Department of Defense and Department of the Navy regulations in Title 32 of the Code of Federal Regulations.

§ 8.7 Information.

(a) Information concerning the Coast Guard Reserve may be obtained from any Coast Guard District Office, or from Commandant (G-R), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

(b) Information and requirements for enlistment in the Coast Guard Reserve or concerning the procurement of officers for the Coast Guard Reserve can be obtained from the following offices:

- (1) Any Coast Guard Recruiting Office.
- (2) Any Coast Guard District (r).
- (3) Commandant (G-PMR), U.S. Coast Guard, Washington, D.C. 20593.

PART 13—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

Subpart 13.01—Gold and Silver Lifesaving Medals, Bars, and Miniatures

Sec.

- 13.01-1 General.
- 13.01-5 Gold and Silver Lifesaving Medals.
- 13.01-10 Gold and silver bars.
- 13.01-15 Applications and recommendations.
- 13.01-20 Definitions.
- 13.01-25 Description of Gold Lifesaving Medal.
- 13.01-30 Description of Silver Lifesaving Medal.
- 13.01-35 Description of gold and silver bars.
- 13.01-40 Miniature medals and bars.
- 13.01-45 Replacement of medals and bars.

AUTHORITY: Secs. 500, 633, 63 Stat. 534, 545, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 506, 633; 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2) and (f).

SOURCE: CGFR 68-134, 33 FR 18932, Dec. 19, 1968, unless otherwise noted.

Subpart 13.01—Gold and Silver Lifesaving Medals, Bars, and Miniatures

§ 13.01-1 General.

Lifesaving Medals of gold and silver, designated as the Gold Lifesaving Medal and the Silver Lifesaving Medal, respectively, may be awarded by the Commandant, U.S. Coast Guard, hereinafter called the Commandant, under 14 U.S.C. 500 and the regulations in this subpart to persons rescuing or endeavoring to rescue any other person from drowning, shipwreck or other peril of the water.

§ 13.01-5 Gold and Silver Lifesaving Medals.

Lifesaving Medals may be awarded to any person who rescues or endeavors to rescue any other person from drowning, shipwreck or other peril of the water. In order for a person to be eligible for a Lifesaving Medal the rescue or attempted rescue must take place in waters within the United States or subject to the jurisdiction thereof, or if the rescue or attempted rescue takes place outside such waters.

one or the other of the parties must be a citizen of the United States or from a vessel or aircraft owned or operated by citizens of the United States. If such rescue or attempted rescue is made at the risk of one's own life and evidences extreme and heroic daring, the medal shall be of gold. If such rescue or attempted rescue is not sufficiently distinguished to deserve the medal of gold but evidences the exercise of such signal exertion as to merit recognition, the medal shall be of silver. Lifesaving Medals may be awarded posthumously.

§ 13.01-10 Gold and silver bars.

No person shall receive more than one Gold Lifesaving Medal and one Silver Lifesaving Medal; but any person who has received or may hereafter receive a Gold or Silver Lifesaving Medal and who again performs an act which would entitle him to receive another medal of the same class, may be awarded, in lieu of a second medal of the same class, a gold or silver bar, as the case may be, to be worn with the medal already bestowed, and for every such additional act, an additional bar may be awarded. Gold and silver bars may be awarded posthumously.

§ 13.01-15 Applications and recommendations.

(a) All administrative details pertaining to the award of Lifesaving Medals are under the jurisdiction of the Commandant. Applications and recommendations for the award of a Lifesaving Medal may be filed by or in behalf of the person making or attempting a rescue under circumstances contemplated by the regulations in this subpart. Applications or recommendations for award of medals or requests for information pertaining thereto should be addressed to the Commander of the Coast Guard District, hereinafter called the District Commander, where the incident took place. (See Part 3 of this subchapter for descriptions of Coast Guard Districts.) If the District is unknown, or if the incident took place outside any such district, applications and recommendations should be addressed to the Commandant, U.S. Coast Guard, Washington, D.C. 20593.

(b) Completed applications must include:

(1) Satisfactory evidence of the services performed, in the form of affidavits, made by eyewitnesses of good repute and standing testifying of their own knowledge. The opinion of witnesses that the person for whom an award is sought imperiled his or her own life or made signal exertions is not sufficient but the affidavits must set forth in detail all facts and occurrences tending to show clearly in what manner and to what extent life was risked or signal exertions made so that the Commandant may judge for himself as to the degree of merit involved.

(2) The precise locality of the rescue or attempted rescue, whether from waters within the United States or subject to the jurisdiction thereof, or if the rescue or attempted rescue is outside such waters, whether one or the other of the parties is a citizen of the United States, or from a vessel or aircraft owned or operated by citizens of the United States, shall be stated. The date, time of day, nature of the weather, condition of the water, the names of all persons present when practicable, the names of all persons rendering assistance, and all pertinent circumstances and data, showing the precise nature and degree of risk involved, should be stated.

(c) Recommendations must include:

(1) As much of the information indicated in paragraphs (b) (1) and (2) of this section which is available to the person making the recommendation. Upon receipt the Commandant or the cognizant District Commander shall cause such recommendation to be referred to an investigating officer who shall cause to be developed such additional information and evidence as is deemed necessary to either (i) terminate the investigation as containing insufficient justification to continue further, or (ii) to complete the application for submission to the Commandant for his final determination.

(d) Either the Commandant or the District Commander may, without any application or recommendation, of his own motion, order an informal investigation into such an incident under Chapter II, of the Coast Guard Sup-

plement to the Manual for Courts-Martial (CG-241).

(e) Affidavits required by this subpart shall be made before an officer duly authorized to administer oaths and if taken before an officer without an official seal, his official character must be certified by the proper officer of a court of record, under the seal thereof, unless the oath be taken before an officer of the Armed Forces authorized to administer oaths under the provisions of Article 136, UCMJ (10 U.S.C. 936).

(f) Cognizant District Commanders shall act upon all applications and recommendations submitted to them from whatever source and shall:

(1) Forward completed applications with his recommendations to the Commandant for his consideration and determination; or,

(2) Inform the applicant or the person submitting the recommendation that he considers such application or recommendation incomplete together with the reasons therefor and that a period of 90 days will be allowed for additional evidence to be provided upon the expiration of which he will file the application or recommendation without further action.

(g) Whenever the cognizant District Commander shall deem such action necessary, he may require that the aforementioned affidavits shall be accompanied by a certificate showing the affiants to be credible persons, certified by some U.S. Officer, such as a judge or clerk of a U.S. Court, district attorney, collector of customs, postmaster, or officer of the Armed Forces. If the affiant is a citizen or resident of a foreign country and if the affidavit is executed in such foreign country, the credibility certificate may be executed by an officer of such foreign country, who occupies an official position similar to the aforementioned U.S. officers.

(h) The decision of the Commandant on all applications, recommendations, and investigations for the Gold or Silver Lifesaving Medals shall be final.

§ 13.01-20 Definitions.

As used in the statutes cited and in the regulations in this subpart:

(a) "Peril of the water" includes all perils on water caused by, or which are such by reason of, the sea or bodies of water such as lakes, bays, sounds and rivers; whenever, wherever and in whatever way human life is directly imperiled by the sea or a body of water is a peril of the water.

(b) A "shipwreck" includes an incident threatening persons whose lives are endangered by perils of the water as well as those who are, strictly speaking, no longer in danger from the sea or a body of water, that peril already having passed, but who are in imminent danger and in great need of succor or rescue, as e.g., being adrift in an open boat or stranded on some barren coast where, without succor or rescue, they would die of starvation, thirst, or exposure.

(c) "Waters within the United States or subject to the jurisdiction thereof," embrace all waters within the United States, and any other waters over which the United States exercises jurisdiction.

§ 13.01-25 Description of Gold Lifesaving Medal.

(a) The Gold Lifesaving Medal is 99.9 percent pure gold and consists of a pendant suspended by a swivel from the head of an eagle attached to a silk program ribbon 1 and $\frac{3}{16}$ ths inches in width, composed of a $\frac{1}{4}$ ths of an inch red stripe, a $\frac{1}{8}$ ad of an inch white stripe, a $\frac{1}{16}$ ths of an inch gold stripe, a $\frac{1}{8}$ ad of an inch white stripe, and a $\frac{1}{16}$ ths of an inch red stripe. The pendant is 1 and $\frac{1}{16}$ ths inches in diameter and $\frac{3}{16}$ ds of an inch in thickness. There appear, on the obverse side of the pendant, three men in a boat in a heavy sea; one is rescuing a person clinging to a spar at the end of which is a block and line; another is standing, prepared to heave a line; a third is rowing; in the distance, to the left, is the wreck of a vessel; the whole is encircled by the words: "United States of America", in the upper half, and "Act of Congress, August 4, 1949", in the lower half. On the reverse side of the pendant there appears, in the center a monument surmounted by an American eagle; the figure of a woman stands, to the left, holding in her left

hand an oak wreath, and with her right hand, preparing to inscribe the name of the recipient on the monument; to the right are grouped a mast, a yard with a sail, an anchor, a sextant, and a laurel branch; the whole is encircled by the words: "In testimony of heroic deeds in saving life from the perils of the water."

(b) Engraving: Before presentation, the recipient's name shall be inscribed on the "monument", on the reverse of the medal.

§ 13.01-30 Description of Silver Lifesaving Medal.

(a) The Silver Lifesaving Medal is 99 percent pure silver and consists of a pendant suspended by a swivel from the head of an eagle attached to a silk program ribbon 1 and $\frac{1}{8}$ ths inches in width, composed of a $\frac{1}{4}$ ths of an inch blue stripe, a $\frac{1}{8}$ th of an inch white stripe, a $\frac{1}{4}$ ths of an inch silver gray stripe, a $\frac{1}{8}$ th of an inch white stripe, and a $\frac{1}{4}$ ths of an inch blue stripe. The pendant is 1 and $\frac{1}{8}$ ths inches in diameter and $\frac{3}{16}$ ths of an inch in thickness. On the obverse side of the pendant there appears the figure of a woman hovering over a man struggling in heavy sea and extending to him one end of a long scarf; the whole is encircled by the words: "United States of America", in the upper half, and "Act of Congress, August 4, 1949", in the lower half. On the reverse there appears a laurel wreath encircled by the words: "In testimony of heroic deeds in saving life from the perils of the water."

(b) Engraving: Before presentation, the recipient's name shall be inscribed inside the laurel wreath, on the reverse of the medal.

§ 13.01-35 Description of gold and silver bars.

(a) The bar is plain and horizontal, composed of the same metal as the medal previously awarded recipient, and is 1 and $\frac{1}{8}$ ths inches long by $\frac{1}{4}$ ths of an inch wide with a flowing ribbon draped over the left end and passing in back and appearing beneath the bar. The part of the ribbon showing beneath the bar bears the inscription "Act of Congress, August 4, 1949", in raised block letters. The bar and

ribbon are in folds of a spray of laurel with the leave showing above and beneath.

(b) Engraving: Before presentation, the recipient's name shall be inscribed on the obverse of the bar.

§ 13.01-40 Miniature medals and bars.

(a) Miniature Gold and Silver Lifesaving Medals and bars are replicas of the Lifesaving Medals and bars, to be worn on civilian clothing. Such miniatures are not furnished by the Government.

(b) Miniature medals and bars may be procured from sources authorized by the Commandant, U.S. Coast Guard, to furnish same to persons who produce original documentary evidence of having been awarded the medal or bar for which a miniature replica is desired.

§ 13.01-45 Replacement of medals and bars.

The Gold or Silver Lifesaving Medal or bar will be replaced at cost to the applicant upon submitting a statement in affidavit form of having been awarded a medal or bar and the circumstances involving loss of same. A Lifesaving Medal or bar, however, may be replaced without charge in the discretion of the Commandant, if said medal or bar has, under extremely unusual circumstances, been lost, destroyed or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded.

PART 17—UNITED STATES COAST GUARD GENERAL GIFT FUND

Subpart 17.01—General Provisions

Sec.

17.01-1 Basis and purpose.

17.01-10 Authority to receive gifts.

Subpart 17.05—Administration

17.05-1 Gifts.

17.05-5 Acceptance and disbursement of gifts.

17.05-10 Instructions for administration.

AUTHORITY: Secs. 92, 633, 63 Stat. 503, as amended, 545, sec. 2601, 70A Stat. 144; 14 U.S.C. 92, 633, 10 U.S.C. 2601; Treasury Dept. Order 167-1, 18 FR 671.

Subpart 17.01—General Provisions

§ 17.01-1 Basis and purpose.

In accordance with 10 U.S.C. 2801 (formerly the Act of March 11, 1948, secs. 1, to 4, 62 Stat. 71, 72); and Treasury Department Order No. 167-1, dated January 16, 1953 (18 FR 671), the regulations in this part are hereby prescribed to provide for the acceptance and subsequent use of gifts, devises, or bequests of property, real or personal, made on the condition that they be used for the benefit of, or in connection with, the establishment, operation, maintenance, or administration of any school, hospital, library, museum, chapel, or other institution or organization under the jurisdiction of the United States Coast Guard.

[CGFR 61-36, 26 FR 9321, Oct. 3, 1961]

§ 17.01-10 Authority to receive gifts.

(a) The Commandant, United States Coast Guard, may accept, receive, hold, or administer gifts, devises, or bequests of property, real or personal, made on the condition that they be used for the benefit of, or in connection with, the establishment, operation, maintenance, or administration of any school, hospital, library, museum, chapel, or other institution or organization under the jurisdiction of the United States Coast Guard. The Commandant is authorized to pay all necessary fees, charges, and expenses in connection with the conveyance or transfer of any such gifts, devises, or bequests.

(b) The Commandant may authorize or designate officers of the United States Coast Guard to accept gifts, devises, or bequests.

[CGFR 53-18, 18 FR 3171, June 3, 1953, as amended by CGFR 61-36, 26 FR 9321, Oct. 3, 1961]

Subpart 17.05—Administration

§ 17.05-1 Gifts.

The gifts or bequests may be in money or negotiable instrument form. If in the form of a money order, check, etc., it should be made payable to the Treasurer of the United States.

[CGFR 53-18, 18 FR 3171, June 3, 1953]

§ 17.05-5 Acceptance and disbursement of gifts.

(a) The immediate receiving person shall give a proper receipt on the proper form used by the United States Coast Guard to acknowledge receipt of collections to the donor of a gift or bequest of money or for the proceeds from a sale of property received as a gift or devise.

(b) Gifts or bequests of money, or the proceeds from sales of property received as gifts or devises shall be deposited in the Treasury of the United States under symbol and title "20X8533—United States Coast Guard, General Gift Fund." Funds so deposited shall be subject to disbursement by or at the direction of the Commandant, United States Coast Guard, for the benefit or use of the designated school, hospital, library, museum, chapel, or other institution or organization under the jurisdiction of the United States Coast Guard subject to the terms of the particular gift, devise, or bequest.

(c) 10 U.S.C. 2801(c) states that any gift, devise, or bequest of property real or personal, accepted under these provisions shall be deemed to be a gift, devise, or bequest to or for the use of the United States for the purpose of Federal income, estate, and gift taxes.

[CGFR 53-18, 18 FR 3171, June 3, 1953, as amended by CGFR 61-36, 26 FR 9321, Oct. 3, 1961]

§ 17.05-10 Instructions for administration.

The Commandant, United States Coast Guard, will issue such detailed instructions as may be necessary for the administration of the "United States Coast Guard General Gift Fund" or for the acceptance, operation, or maintenance of property, real or personal, that may be accepted for the benefit of or in connection with any school, hospital, library, museum, chapel, or other institution or organization under the jurisdiction of the United States Coast Guard subject to the terms and conditions of any particular gift, devise, or bequest.

[CGFR 61-36, 26 FR 9321, Oct. 3, 1961]

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS¹

- Sec.
19.01 Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.
19.04 Vessels requisitioned by the United States for emergency evacuation.
19.06 Vessels operated by or chartered to Military Sealift Command.
19.07 Chronological record of seaman's previous employment.
19.15 Permits for commercial vessels handling explosives at military installations.

AUTHORITY: Sec. 1, 64 Stat. 1120, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. note prec. 1, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(a)(2).

§19.01 Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.

(a) It is hereby found necessary in the interest of national defense to waive compliance with the navigation and vessel inspection laws administered by the Coast Guard, as well as the regulations issued thereunder and contained in 46 CFR Chapter I or in this chapter, to the extent and in the manner and upon the terms and conditions as set forth in this section.

(b) An application requesting that a waiver be made effective with respect to a particular vessel may be made by any authorized representative of an agency of the United States Government or any other interested person (including the master, agent, or owner of the vessel involved). Except as provided in paragraph (d) of this section, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of a vessel in any port or place of the Canal Zone or in any foreign port or place, the application shall be made to the designated representative of the Commandant at such port or place, or if the Coast Guard has not established facilities in such port or place, to the nearest designated representative of the Com-

mandant at a port or place where such facilities have been established. Every application shall contain a statement of the particular provisions of law with respect to which waiver of compliance is requested, a certification that the waiver of compliance with such laws with respect to the vessel involved is necessary in the interest of national defense and, an outline of the facts upon which such certification is based. The Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) shall promptly examine every application for the purpose of determining whether the necessity for prompt action is such as to require that the waiver be made effective by him without reference to the Commandant. In any case in which it appears to the Coast Guard officer concerned that reference of the application to the Commandant for action would not delay the sailing of the vessel or otherwise be contrary to the interest of national defense, the application shall be so referred. In all other cases such Coast Guard officer shall give immediate consideration to the application and if he reaches the conclusion that the urgency of the situation outweighs the marine hazard involved, then such waiver shall be made effective in regard to such vessel to the extent and under the circumstances specified by him.

(c) The Coast Guard officer making such a waiver effective pursuant to paragraph (b) of this section shall immediately prepare, in triplicate, an order setting forth the name of the vessel involved, the laws (also regulations, if any) with respect to which the waiver is effective, the extent to which compliance with such laws (also regulations, if any) is waived, and the period for which the waiver shall be effective. If practicable, one copy of this order shall be delivered to the master of the vessel involved before such vessel sails. In any case where the order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the order shall be transmitted to the Comman-

¹Also codified as 46 CFR Part 6.

dant and the remaining copy kept on file.

(d) In any case of extreme urgency the application for a waiver may be made orally and if the Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) reaches the conclusion referred to in paragraph (b) of this section, the waiver shall be made effective without further delay, subject to the condition that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the order.

(e) No penalty shall be imposed because of failure to comply with any provision of law (or regulation, if any), the waiver of which has been made effective pursuant to the requirements in this section.

[CGFR 51-10, 16 FR 1959, Mar. 1, 1951]

§ 19.04 Vessels requisitioned by the United States for emergency evacuation.

Pursuant to the request of the Acting Secretary of Defense, dated November 21, 1951, made under the provisions of section 1 of Pub. L. 891, 81st Congress, approved December 27, 1950, compliance is hereby waived with the provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and contained in this chapter, to the extent necessary to permit the operation of vessels which might be requisitioned by the United States for the purpose of emergency evacuation.

[CGFR 51-61, 16 FR 12792, Dec. 20, 1951]

§ 19.06 Vessels operated by or chartered to Military Sealift Command.

(a) Pursuant to the request of the Deputy Secretary of Defense, dated August 6, 1958, and to the request of the Assistant Secretary of Defense, Installations and Logistics, dated May 23, 1964, made under the provisions of section 1 of Pub. L. 891, 81st Congress, approved December 27, 1950 (64 Stat. 1120; 46 U.S.C., note preceding section 1), and their findings that a waiver is

necessary in the interest of national defense, compliance with the provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and contained in 33 CFR Chapter I, or in this chapter, is hereby waived to the extent and upon the terms and conditions as set forth in this section, in order to permit vessels operated by or chartered to the Military Sea Transportation Service to carry out their assigned missions.

(b) An application requesting that this waiver be made effective with respect to a particular vessel may be made by the Commander, Military Sea Transportation Service, or any one of his duly designated representatives. Except as provided in paragraph (e) of this section, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of a vessel in any foreign port or place, the application shall be made to the designated representative of the Commandant at such port or place, or if the Coast Guard has not established facilities in such port or place, to the nearest designated representative of the Commandant at a port or place where such facilities have been established, or to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593-0001. Every application shall:

(1) Describe the laws and/or regulations by appropriate references and/or subjects with respect to which the waiver of compliance is desired;

(2) Contain a certification that the waiver of compliance with such laws and/or regulations with respect to the vessel involved is necessary in the interest of national defense and is necessary for the Military Sea Transportation Service to carry out an assigned mission;

(3) The name and official number of the vessel involved (including the names of master, agent, and owner of the vessel involved); and

(4) For how long the waiver is needed.

(c) The Coast Guard officer making the waiver in paragraph (a) of this sec-

tion effective for a particular vessel shall immediately prepare, in quadruplicate, an order setting forth:

(1) The name and official number of the vessel involved;

(2) The laws and/or regulations with respect to which the waiver is effective;

(3) The extent to which compliance with such laws and/or regulations is waived; and

(4) The period for which the waiver shall be effective.

(d) If practicable, one copy of this waiver order shall be delivered to the master of the vessel involved before such vessel sails. In any case where the waiver order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the waiver order shall be delivered to the Commander, Military Sea Transportation Service, or his duly designated representative, who submitted the application. One copy of the waiver order shall be transmitted to the Commandant (MVI) and the remaining copy kept on file.

(e) In any case of extreme urgency, the application for a waiver order may be made orally and if the Coast Guard District Commander (or his designated representative, or the designated representative of the Commandant, or the Commandant, as the case may be), determines that the conditions in this section have been met, the waiver order shall be made effective without further delay, subject to the condition that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the confirming written waiver order.

(f) No penalty shall be imposed because of failure to comply with any provision of law and/or regulation, the waiver of which has been made effective pursuant to the requirements of this section.

(g) This waiver order shall remain in effect until terminated by proper authority and notice of cancellation is published in the **FEDERAL REGISTER**.

[CGFR 64-86, 30 FR 88, Jan. 6, 1965, as amended by CGD 88-052, 53 FR 25119, July 1, 1988]

§ 19.07 Chronological record of seaman's previous employment.

(a) Compliance is hereby waived with regard to the provisions of subsection (h) of R.S. 4551, as amended (46 U.S.C. 643), to the extent necessary to permit the Commandant of the United States Coast Guard to issue a chronological record of a seaman's previous employment on a single document, in lieu of making individual entry in a duplicate continuous discharge book or furnishing individual certificates of discharge.

(b) It is hereby found that the waiving of the provisions of R.S. 4551(h), as amended (46 U.S.C. 643), is necessary in the interest of national defense.

[CGFR 51-9, 16 FR 1829, Feb. 27, 1951, as amended by CGFR 59-4a, 24 FR 3055, Apr. 21, 1959]

CROSS REFERENCE: See 49 CFR 7.93 for the fee for this record.

§ 19.15 Permits for commercial vessels handling explosives at military installations.

Pursuant to the request of the Secretary of Defense in a letter dated October 19, 1955, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U.S.C., note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of R.S. 4472, as amended (46 U.S.C. 170), and the regulations promulgated thereunder in Part 146 of this chapter to the extent that no quantitative restrictions, based on considerations of isolation and remoteness, shall be required by the Coast Guard for commercial vessels loading or unloading explosives at the Department of Defense waterfront installations. This waiver shall not relieve a commercial vessel loading or unloading explosives at the Department of Defense waterfront installations from the requirement of securing a permit from the Coast Guard for such operations with respect to quantitative or other restrictions imposed by the Coast Guard on the basis of

each vessel's ability to meet prescribed stowage and handling requirements.

[CGFR 55-49, 20 FR 8638, Nov. 23, 1955]

PART 23—DISTINCTIVE MARKINGS FOR COAST GUARD VESSELS AND AIRCRAFT

Sec.

- 23.01 Basis and purpose.
- 23.05 Where and when displayed.
- 23.10 Coast Guard emblem.
- 23.12 Coast Guard identifying insignia.
- 23.15 Coast Guard ensign.
- 23.20 Coast Guard commission pennant.
- 23.30 Penalty.

AUTHORITY: Secs. 638, 639, 63 Stat. 546; 14 U.S.C. 638, 639, E.O. 10707, 3 CFR, 1954-1958 Comp., p. 364.

§ 23.01 Basis and purpose.

(a) This subpart establishes instructions for the display of distinctive markings of Coast Guard vessels and aircraft, including Coast Guard ensign and commission pennant and Coast Guard emblem.

(b) Coast Guard vessels and aircraft are distinguished from other vessels and aircraft by an ensign; a personal flag, command pennant, or commissioned pennant, if so authorized; or other identifying insignia or marking.

[CGFR 57-35, 22 FR 6765, Aug. 22, 1957, as amended by CGFR 66-67, 31 FR 15239, Dec. 6, 1966]

§ 23.05 Where and when displayed.

(a) The Coast Guard Ensign is a mark of authority and is required to be displayed whenever a Coast Guard vessel takes active measures in connection with boarding, examining, seizing, stopping or heaving to of a vessel for the purposes of enforcing the laws of the United States. The distinctive markings of Coast Guard aircraft serve the same purpose.

(b) The Coast Guard Commission pennant indicates a Coast Guard cutter under the command of a commissioned officer or commissioned warrant officer.

(c) When applicable, these distinctive marks shall be displayed, the Coast Guard Ensign at the masthead of the foremast, and the commission pennant at the after masthead. On

ships having but one mast the Coast Guard Ensign and commission pennant shall be at the masthead on the same halyard. In mastless ships they shall be displayed from the most conspicuous hoist.

[CGFR 67-26, 32 FR 6576, Apr. 28, 1967]

§ 23.10 Coast Guard emblem.

(a) The distinctive emblem of the Coast Guard shall be as follows:

On a disc the shield of the Coat of Arms of the United States circumscribed by an annulet edged and inscribed "UNITED STATES COAST GUARD 1790" all in front of two crossed anchors.

(b) The emblem in full color is described as follows:

White anchors and white ring all outlined in medium blue (Coast Guard blue), letters and numerals medium blue (Coast Guard blue), white area within ring, shield with medium blue (Coast Guard blue) chief and 13 alternating white and red (Coast Guard red) stripes (7 white and 6 red) with narrow medium blue (Coast Guard blue) outline.

(c) The Coast Guard emblem is intended primarily for use as identification on Coast Guard ensigns, flags, pennants, vessels, aircraft, vehicles, and shore units. It may also be reproduced for use on such items as stationery, clothing, jewelry, etc.

(d) Any person who desires to reproduce the Coast Guard emblem for non-Coast Guard use must first obtain approval from the Commandant, U.S. Coast Guard, Washington, D.C. 20593.

(Sec. 6(b)(1), 80 Stat. 937; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 67-26, 32 FR 6577, Apr. 28, 1967, as amended by CGFR 70-95, 35 FR 12541, Aug. 6, 1970]

§ 23.12 Coast Guard identifying insignia.

(a) The distinctive identification insignia of the Coast Guard consists of a broad diagonal red stripe followed to the right or left by two narrow stripes, first a white stripe and then a blue stripe. The Coast Guard emblem, as described in § 23.10(b), is centered within the confines of the broad red diagonal stripe.

(b) The Coast Guard identifying insignia is intended primarily for the identification of Coast Guard vessels,

aircraft, vehicles, and shore units. It may also be reproduced for use on Coast Guard publications, stationery, jewelry, and similar items.

(c) Any person who desires to reproduce the Coast Guard identifying insignia for non-Coast Guard use must first obtain approval from the Commandant, U.S. Coast Guard, Washington, D.C. 20593.

(Sec. 6(b)(1), 30 Stat. 937; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 70-95, 35 FR 12541, Aug. 6, 1970]

§ 23.15 Coast Guard ensign.

The Coast Guard ensign has sixteen perpendicular stripes alternate red and white, beginning with the red at the hoist. In the upper quarter, next to the hoist, is the union, being the Coat of Arms of the United States, in dark blue on a white field, half of the length of the flag, and extending down the hoist halfway. The distinctive emblem of the Coast Guard in blue and white is placed with its center on a line with the lower edge of the union and over the center of the seventh vertical red stripe from the hoist of the flag, the emblem covering a horizontal space of three stripes.

[CGFR 57-35, 22 FR 6765, Aug. 22, 1957]

§ 23.20 Coast Guard commission pennant.

The Coast Guard commission pennant shall have the union part composed of thirteen blue stars in a horizontal line on a white field, one-fourth the length of the pennant; the remaining three-fourths shall consist of sixteen vertical stripes of equal width, alternate red and white, beginning with the red, and a tail piece of red about one-fifth the entire length of the pennant, ending in a swallow tail.

[CGFR 57-35, 22 FR 6765, Aug. 22, 1957, as amended by CGFR 71-75, 36 FR 13268, July 17, 1971]

§ 23.30 Penalty.

Section 638(b) of Title 14 U.S.C. (63 Stat. 546) reads as follows:

No vessel or aircraft without authority shall carry, hoist or display any ensign, pennant or other identifying insignia prescribed for, or intended to resemble, any ensign, pennant or other identifying insignia prescribed for Coast Guard vessels or aircraft.

Each person violating this provision shall be fined not more than \$5,000, or imprisoned for not more than two years, or both.

[CGFR 57-35, 22 FR 6765, Aug. 22, 1957]

PART 24—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE UNITED STATES COAST GUARD—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.

24.1 Purpose.

24.5 Application of this part.

24.10 Discrimination prohibited.

24.15 Assurances required.

24.20 Compliance information.

24.25 Conduct of investigations.

24.30 Procedure for effecting compliance.

24.35 Hearings.

24.40 Decisions and notices.

24.45 Judicial review.

24.50 Effect on other regulations; forms and instructions.

24.55 Definitions.

24.60 Programs to which this part applies.

AUTHORITY: Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1, and the laws referred to in § 24.60 (14 U.S.C. 93, 141, 148, 641; 42 U.S.C. 1891).

SOURCE: CGFR 64-91, 29 FR 19297, Dec. 31, 1964, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes affecting this Part 24 appear at CGD 73-69R, 38 FR 10085, Apr. 24, 1973.

§ 24.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Coast Guard.

§ 24.5 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Coast Guard, including the federally-assisted programs and activities listed in § 24.60. It applies to money

paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of the regulation pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization. The fact that a program or activity is not listed in § 24.60 shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this section by notice published in the *FEDERAL REGISTER*.

§ 24.10 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny any individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) A recipient may not take action that is calculated to bring about indirectly what this part forbids it to accomplish directly.

§ 24.15 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The Commandant shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) The assurance required in the case of a transfer of an interest in real property by way of permit, license, easement, or lease shall be inserted in the instrument effecting the transfer and shall contain a condition coupled with a right reserved to the Coast Guard to revoke and cancel the transfer in the event of breach of such non-discrimination condition during the period of the transfer.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101-6.2).

(b) *Pre-existing permit, license, easement or lease.* In any case where a permit, license, easement or lease of real property, with or without improvements, or a similar transfer of an interest in real property, representing Federal financial assistance, has been executed by the Coast Guard prior to the effective date of this part, and the instrument effecting the transfer contains a clause making it revocable at will or within a stated period at the option of the Coast Guard, the recipient, after receiving reasonable notice to do so, shall (1) submit a statement that the property is being utilized in compliance with all requirements imposed by or pursuant to this part, or a statement of the extent to which it is not, at the time the statement is made, so utilized, and (2) provide such methods of administration for the utilization of the property as are found by the Commandant to give reasonable assurance that the recipient will comply with all requirements imposed by or pursuant to this part, or reasonable assurance that any noncompliance indicated in the statement under paragraph (b)(1) of this section will be corrected.

(c) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education or to a non-profit organization whose primary purpose is the conduct of scientific research (including assistance for construction, for research, for a special training project, for a student loan program, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education or any other institution or organization, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the Commandant, that the institution's

practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility, or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

§ 24.20 Compliance information.

(a) *Cooperation and assistance.* The Commandant shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Commandant or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Commandant or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Commandant or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Commandant finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 24.25 Conduct of investigations.

(a) *Periodic compliance reviews.* The Commandant or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Commandant or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the Commandant or his designee.

(c) *Investigations.* The Commandant or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Commandant or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by

informal means, action will be taken as provided for in § 24.30.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section the Commandant or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 24.30 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 24.15.* If an applicant fails or refuses to furnish an assurance required under § 24.15 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Coast Guard shall not be required to provide assist-

ance in such a case during the pendency of the administrative proceedings under such paragraph except that the Coast Guard shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until: (1) The Commandant has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary pursuant to § 24.40(e), and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the Commandant had determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Secretary, (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional ef-

forts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 24.35 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 24.30(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Commandant that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 24.30(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Coast Guard in Washington, D.C., at a time fixed by the Commandant unless he determines that the convenience of the applicant or recipient or of the Coast Guard requires that another place be selected. Hearings shall be held before the Commandant or, at his discretion, before an administrative law judge designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant

or recipient and the Coast Guard shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5-8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Coast Guard and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the administrative law judge at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the administrative law judge. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute non-compliance with this regulation with respect to two or more programs to which this part applies, or non-compliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Secretary may, by agreement with such other departments or agencies where applicable

provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 24.40.

[CGFR 64-91, 29 FR 19297, Dec. 31, 1964, as amended by CGD 73-69R, 38 FR 10085, Apr. 24, 1973]

§ 24.40 Decisions and notices.

(a) *Decision by person other than the Commandant.* If the hearing is held by an administrative law judge such administrative law judge shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Commandant for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the administrative law judge the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the Commandant his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Commandant may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Commandant shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Commandant.

(b) *Decisions on record or review by the Commandant.* Whenever a record is certified to the Commandant for decision or he reviews the decision of an administrative law judge pursuant to paragraph (a) of this section, or whenever the Commandant conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the Commandant shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 24.35(a) a decision shall be made by the Commandant on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or the Commandant shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Secretary.* Any final decision of the Commandant which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Commandant that it will fully comply with this part.

[CGFR 64-91, 29 FR 19297, Dec. 31, 1964, as amended by CGD 73-69R, 38 FR 10085, Apr. 24, 1973]

§ 24.45 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 24.50

§ 24.50 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Coast Guard, or by the Secretary, which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925 and 11114 and regulations issued thereunder, or (2) any other regulations or instructions insofar as such regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Commandant shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 24.40), including the achievement of effective coordination and maximum uniformity

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ty within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations.

§ 24.55 Definitions.

As used in this part:

(a) The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(b) The term "Commandant" means the Commandant of the Coast Guard.

(c) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(d) The term "Federal financial assistance" includes: (1) Grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial

financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(g) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(h) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(i) The term "applicant" means one who submits an application, request, or plan required to be approved by the Commandant or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

§24.60 Programs to which this part applies.

(a) Lease of real property and the grant of permits, licenses, easements and rights-of-way covering real property under control of the Coast Guard, 14 U.S.C. 93 (n) and (o).

(b) Utilization of Coast Guard personnel and facilities to assist any State, Territory, Possession, or political subdivision thereof, 14 U.S.C. 141(a).

(c) Detail of Coast Guard personnel for duty in connection with maritime instruction and training by the States, Territories, and Puerto Rico, 14 U.S.C. 148.

(d) Disposal of obsolete and other Coast Guard material to sea scout service of Boy Scouts of America, any incorporated unit of the Coast Guard Auxiliary, and public body or private organization not organized for profit, 14 U.S.C. 641(a).

(e) Grants for the support of basic scientific research to nonprofit institutions of higher education and nonprofit organizations whose primary purpose is conduct of scientific research, 42 U.S.C. 1891.

PART 25—CLAIMS

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AUTHORITY: 14 U.S.C. 633; 49 CFR 1.45(a); 49 CFR 1.45(b); 49 CFR 1.46(b), unless otherwise noted.

SOURCE: CGD 80-033, 46 FR 27109, May 18, 1981, unless otherwise noted.

Subpart A—General

§ 25.101 Purpose.

This subpart prescribes the requirements for the administrative settlement of claims, other than contract claims, against the United States, including claims arising from acts or omissions of employees of nonappropriated fund activities within the

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United States, its territories, and possessions.

§ 25.103 Information and assistance.

Any person who desires to file a claim against the United States Coast Guard arising out of the activities of the Coast Guard may obtain information and assistance from the Coast Guard Maintenance and Logistics Command Atlantic, located at Governor's Island, New York, New York 10004, or from the Coast Guard Maintenance and Logistics Command Pacific, located at Coast Guard Island, Alameda, California, 94501, or from Commandant (G-LCL), U.S. Coast Guard, Washington, DC 20593, or from the Commander of any Coast Guard District listed in 33 CFR Part 3.

[CGD 87-008b, 52 FR 25217, July 6, 1987]

§ 25.105 Definitions.

Accrual date. The day on which the alleged wrongful act or omission results in injury or damage for which a claim is made or when the claimant discovers, or in the exercise of reasonable diligence should have discovered, the alleged wrongful act or omission.

Claim. A written notification of an incident accompanied by demand for the payment of a sum certain of money, other than for ordinary obligations incurred for services, supplies, or equipment.

Settle. To consider, ascertain, adjust, determine, compromise (when specifically authorized by law), and dispose of a claim by disapproval or approval in whole or in part.

Settlement authority. A person authorized to settle a claim.

[CGD 80-033, 46 FR 27109, May 18, 1981; 49 FR 29933, June 4, 1981]

§ 25.107 Who may present claims.

(a) General rules:

(1) A claim for property loss or damage may be presented by anyone having an interest in the property, including an insurer or other subrogee, unless the interest is barred under § 25.109(a).

(2) A claim for personal injury may be presented by the person injured.

(3) A claim based on death may be presented by the executor or administrator of the decedent's estate, or any other person legally entitled to assert such a claim under local law. The claimant's status must be stated in the claim.

(4) A claim for medical, hospital, or burial expenses may be presented by any person who by reason of family relationship has, in fact, incurred the expenses.

(b) A joint claim must be presented in the names of and signed by, the joint claimants, and the settlement must be made payable to the joint claimants.

(c) A claim may be presented by a duly authorized agent, legal representative or survivor, if it is presented in the name of the claimant. If the claim is not signed by the claimant, the agent, legal representative, or survivor shall indicate their title or legal capacity and provide evidence of their authority to present the claim.

(d) Where the same claimant has a claim for damage to or loss of property and a claim for personal injury or a claim based on death arising out of the same incident, they must be combined in one claim.

§ 25.109 Insurance and other subrogated claims.

(a) The claims of an insured (subrogor) and an insurer (subrogee) for damages arising out of the same incident constitute a single claim. The total award of combined claims may not exceed the monetary jurisdiction of the settlement authority. If the total award of the combined claims exceeds, or is expected to exceed, a settlement authority's limits, the settlement authority is not permitted to consider either, and the claim file will be forwarded to an appropriate settlement authority.

(b) An insured (subrogor) and an insurer (subrogee) may file a claim jointly or separately. If the insurer has fully reimbursed the insured, payment will only be made to the insurer. If separate claims are filed, the settlement will be made payable to each claimant to the extent of that claimant's undisputed interest. If joint

claims are filed, the settlement will be sent to the insurer.

(c) Each claimant shall include with a claim, a written disclosure concerning insurance coverage including:

(1) The names and addresses of all insurers;

(2) The kind and amount of insurance;

(3) The policy number;

(4) Whether a claim has been or will be presented to an insurer, and, if so, the amount of that claim; and whether the insurer has paid the claim in whole or in part, or has indicated payment will be made.

(d) Each subrogee shall substantiate an interest or right to file a claim by appropriate documentary evidence and shall support the claim as to liability and measure of damages in the same manner as required of any other claimant. Documentary evidence of payment to a subrogor does not constitute evidence of liability of the United States or conclusive evidence of the amount of damages. The settlement authority makes an independent determination on the issues of fact and law based upon the evidence of record.

(e) An insurance or other subrogated claim is not payable under Subpart E, F, or G of this part.

§ 25.111 Action by claimant.

(a) *Form of claim.* The claim must meet the requirements of § 25.113. Authorized forms are available from the offices indicated in § 25.103.

(b) *Presentation.* Whenever possible the claim must be presented to the geographically appropriate Coast Guard Maintenance and Logistics Command. The Coast Guard Maintenance and Logistics Command Atlantic is located at Governor's Island, New York, New York, 10004; Coast Guard Maintenance and Logistics Command Pacific is located at Coast Guard Island, Alameda, California, 94501. If that is not possible, the claim may also be presented to:

(1) The commanding officer of the Coast Guard unit involved;

(2) A Coast Guard unit convenient to the claimant; or

(3) Chief, Claims and Litigation Division, Office of Chief Counsel, United

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States Coast Guard, Washington, DC, 20593.

In a foreign country, where there is no Coast Guard unit, the claim is considered presented to the Coast Guard if it is presented to the military attache of any United States embassy or consulate or to the commanding officer of any unit of the armed services of the United States.

(c) *Time.* The time limits for presenting claims are contained in the following subparts addressing particular claim statutes.

[CGD 80-033, 46 FR 27109, May 18, 1981, as amended by CGD 87-008b, 52 FR 25217, July 6, 1987]

§ 25.113 Contents of claim.

(a) A claim under the Federal Tort Claims Act must be presented using Standard Form 95, Claim for Damage, Injury, or Death.

(b) A claim under any other Act may be presented using Standard Form 95. Any claim which is not presented using Standard Form 95 shall include:

(1) The identity of the department, agency, or activity whose act or omission gave rise to the claim;

(2) The full name and mailing address of the claimant. If this mailing address is not claimant's residence, the claimant shall also include residence address;

(3) The date, time, and place of the incident giving rise to the claim;

(4) The amount claimed, supported by independent evidence of property damage or loss, personal injury, or death, as applicable;

(5) A detailed description of the incident giving rise to the claim;

(6) A description of any property damage or loss, including the identity of the owner, if other than the claimant, as applicable;

(7) The nature and extent of the injury, as applicable;

(8) The full name, title, if any, and address of any witness to the incident and a brief statement of the witness' knowledge of the incident;

(9) A description of any insurance carried by the claimant or owner of the property and the status of any insurance claim arising from the incident; and

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(10) An agreement by the claimant to accept the total amount claimed in full satisfaction and final settlement of the claim.

(c) A claimant or duly authorized agent or legal representative must sign in ink a claim and any amendment to that claim. If the person's signature does not include the first name, middle initial, if any, and surname, that information must be included in the claim. A married woman must sign her claim in her given name, e.g., "Mary A. Doe," rather than "Mrs. John Doe."

§ 25.115 Evidence supporting a claim.

The claimant shall present independent evidence to support a claim. This evidence may include, if available, statements of witnesses, accident or casualty reports, photographs and drawings.

§ 25.117 Proof of amount claimed for personal injury or death.

The following evidence must be presented when appropriate:

(a) Itemized medical, hospital, and burial bills.

(b) A written report by the attending physician including:

(1) The nature and extent of the injury and the treatment,

(2) The necessity and reasonableness of the various medical expenses incurred,

(3) Duration of time injuries prevented or limited employment,

(4) Past, present, and future limitations on employment,

(5) Duration and extent of pain and suffering and of any disability or physical disfigurement,

(6) A current prognosis,

(7) Any anticipated medical expenses, and

(8) Any past medical history of the claimant relevant to the particular injury alleged.

NOTE: An examination by an independent medical facility or physician may be required to provide independent medical evidence against which to evaluate the written report of the claimant's physician. The settlement authority determines the need for this examination, makes mutually convenient arrangements for such an examination and bears the costs thereof.

(c) All hospital records or other medical documents from either this injury or any relevant past injury.

(d) If the claimant is employed, a written statement by the claimant's employer certifying the claimant's:

- (1) Age,
- (2) Occupation,
- (3) Hours of employment,
- (4) Hourly rate of pay or weekly salary.

(5) Time lost from work as a result of the incident, and

(6) Claimant's actual period of employment, full-time or part-time, and any effect of the injury upon such employment to support claims for lost earnings.

(e) If the claimant is self-employed, written statements, or other evidence showing:

(1) The amount of earnings actually lost, and

(2) The Federal tax return if filed for the three previous years.

(f) If the claim arises out of injuries to a person providing services to the claimant, statement of the cost necessarily incurred to replace the services to which claimant is entitled under law.

§ 25.119 Proof of amount claimed for loss of, or damage to, property.

The following evidence must be presented when appropriate:

(a) For each particular lost item, evidence of its value such as a bill of sale and a written appraisal, or two written appraisals, from separate disinterested dealers or brokers, market quotations, commercial catalogs, or other evidence of the price at which like property can be obtained in the community. The settlement authority may waive these requirements when circumstances warrant. The cost of any appraisal may be included as an element of damage if not deductible from any bill submitted to claimant.

(b) For each particular damaged item which can be economically repaired, evidence of cost of repairs such as a receipted bill and one estimate, or two estimates, from separate disinterested repairmen. The settlement authority may waive these requirements when circumstances warrant. The cost of any estimate may be included as an

element of damage if not deductible from any repair bill submitted to claimant.

(c) For any claim which may result in payment in excess of \$20,000.00, a survey or appraisal shall be performed as soon as practicable after the damage accrues, and, unless waived in writing, shall be performed jointly with a government representative.

(d) If the item is so severely damaged that it cannot be economically repaired or used, it shall be treated as a lost item.

(e) If a claim includes loss of earnings or use during repairs to the damaged property, the following must also be furnished and supported by competent evidence:

(1) The date the property was damaged;

(2) The name and location of the repair facility;

(3) The beginning and ending dates of repairs and an explanation of any delay between the date of damage and the beginning date;

(4) A complete description of all repairs performed, segregating any work performed for the owner's account and not attributable to the incident involved, and the costs thereof;

(5) The date and place the property was returned to service after completion of repairs, and an explanation, if applicable, of any delay;

(6) Whether or not a substitute for the damaged property was available. If a substitute was used by the claimant during the time of repair, an explanation of the necessity of using the substitute, how it was used, and for how long, and the costs involved. Any costs incurred that would have been similarly incurred by the claimant in using the damaged property must be identified;

(7) Whether or not during the course of undergoing repairs the property would have been used, and an explanation submitted showing the identity of the person who offered that use, the terms of the offer, time of prospective service, and rate of compensation; and

(8) If at the time of damage the property was under charter or hire, or was otherwise employed, or would have been employed, the claimant

shall submit a statement of operating expenses that were, or would have been, incurred. This statement shall include wages and all bonuses which would have been paid, the value of fuel and the value of consumable stores, separately stated, which would have been consumed, and all other costs of operation which would have been incurred including, but not limited to, license and parking fees, personnel expenses, harbor fees, wharfage, dockage, shedding, stevedoring, towage, pilotage, inspection, tolls, lockage, anchorage and moorage, grain elevation, storage, and customs fees.

(f) For each item which is lost, actual or constructive, proof of ownership.

§ 25.121 Effect of other payments to claimant.

The total amount to which the claimant may be entitled is normally computed as follows:

(a) The total amount of the loss, damage, or personal injury suffered for which the United States is liable, less any payment the claimant has received from the following sources:

- (1) The military member or civilian employee who caused the incident;
- (2) The military member's or civilian employee's insurer; and
- (3) Any joint tort-feasor or insurer.

(b) No deduction is generally made for any payment the claimant has received by way of voluntary contributions, such as donations of charitable organizations.

§ 25.123 Settlement and notice to claimant.

(a) If the settlement authority determines that the full amount claimed should be paid, the settlement authority forwards the claim to the disbursing officer for payment. If the time involved in settling the claim has been extensive, the settlement authority notifies the claimant.

(b) If the settlement authority determines that less than the full amount claimed should be paid, the settlement authority:

- (1) Notifies the claimant in writing of the proposed settlement.
- (2) Obtains from the claimant written acceptance and release for pay-

ment of the claim in the reduced amount.

(3) Advises the claimant, in the event claimant does not desire to accept the offer, to reply within 45 days giving reasons for rejection.

(4) Except upon a showing of cause for delay in accepting a proposed settlement within 45 days, the non-acceptance as a rejection by a claimant of an offer of settlement renders the offer void.

(5) If a claimant rejects a proposed settlement or fails to reply within 45 days, the settlement authority may make further efforts to settle the claim. When the settlement authority determines that further efforts to settle the claim are not warranted, the settlement authority notifies the claimant in writing by registered or certified mail, return receipt requested, that the claim has been denied because the amount claimed is excessive.

(c) If the claim is denied, the settlement authority notifies the claimant in writing by registered or certified mail, return receipt requested.

§ 25.125 Appeal.

The final denial of a claim by a settlement authority or a partial appeal by a settlement authority is not subject to appeal except under the procedures prescribed for Military Claims Subpart D of this part.

§ 25.127 Reconsideration.

(a) The settlement authority may consider a claim upon the authority's own initiative or upon request of the claimant or someone acting on the claimant's behalf.

(b) A request for reconsideration must be in writing and include legal or factual grounds for the request.

(c) Following any investigation or other action deemed necessary for reconsideration of the original action, the settlement authority reconsiders the claim and if warranted attempts to settle it. When further settlement efforts appear unwarranted, the settlement authority notifies the claimant in writing by certified or registered mail, return receipt requested, that the relief requested is denied.

(d) For the effect of reconsideration under the Federal Tort Claims Act see 28 CFR Part 14.

§ 25.129 Acceptance of offer of settlement.

Claimant's acceptance of an offer of settlement is a complete release of any claim against the United States and against the military or civilian personnel of the Coast Guard whose act or omission gave rise to the claim.

§ 25.131 Delegation of authority.

(a) The Chief Counsel is delegated the following authority:

(1) To carry out the functions of the Secretary and to exercise the Commandant's authority as commanding officer for all Coast Guard personnel in regard to claims brought under Article 139, Uniform Code of Military Justice (10 U.S.C. 939);

(2) To carry out the functions of an officer designated by the Secretary under the so-called "Foreign Claims Act", as amended (10 U.S.C. 2734);

(3) To request that the Department of Defense pay any meritorious claims arising under International Agreements in accordance with Title 10 U.S.C. 2734a and 2734b;

(4) To carry out the functions of the Secretary under the Act of October 9, 1962, as amended (10 U.S.C. 2737);

(5) To carry out the functions of the Secretary under the Act of August 16, 1937, as amended (14 U.S.C. 642);

(6) To carry out the functions of the Secretary under the Act of June 15, 1936, as amended (14 U.S.C. 646);

(7) To carry out the functions of the Secretary under the Act of August 4, 1949, as amended (14 U.S.C. 647);

(8) To carry out the functions of the Secretary under the Act of February 19, 1941, as amended (14 U.S.C. 830);

(9) To carry out the functions of the head of a Federal agency's designee under the Federal Tort Claims Act, as amended (28 U.S.C. 2672);

(10) To carry out the functions of the head of an agency under the Military Personnel and Civilian Employees' Claims Act, as amended (31 U.S.C. 3721);

(11) To carry out the functions of the head of an agency under the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711);

(12) To carry out the functions of the head of the department under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653);

(13) To review and approve for payment any voucher for payment of a claim for \$25 or less the authority for payment of which is questioned by a certifying or disbursing officer;

(14) To establish procedures consistent with the applicable statutes and regulations for the administration of all claims.

NOTE: Under the Military Claims Act (10 U.S.C. 2733), the Secretary has authorized the Chief Counsel to settle and pay claims, see 49 CFR 1.46(j).

(b) The Comptroller is delegated the authority to carry out the functions of the head of an agency under the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711).

[CGD 80-033, 46 FR 27109, May 18, 1981, as amended by CGD 82-112, 48 FR 4773, Feb. 3, 1983]

§ 25.133 Redelegation of authority.

The authority delegated in § 25.131 and in 49 CFR 1.46(j) to the Chief Counsel may, unless otherwise limited, be redelegated in whole or in part to settlement authorities established by the Chief Counsel. Information concerning current settlement authorities is available from the offices indicated in § 25.103.

§ 25.135 Processing and settlement of claims in foreign countries.

(a) In certain countries, the Department of Defense has assigned single-service responsibility for the settlement of claims arising under the Foreign Claims Act, Military Claims Act, Nonscope of Employment Claims Act, Federal Medical Care Recovery Act, and Federal Claims Collection Act.

(b) In a country where single-service claims responsibility has been assigned, claims against the United States cognizable under the acts referenced in paragraph (a) of this section are processed and settled by the service assigned responsibility.

(c) A list of countries assigned to a single-service is available from the military attache at any United States embassy or consulate.

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(d) In a country not assigned to a single-service, the rules for presenting claims may be found in § 25.111, and the claim will be settled by the Coast Guard.

Subpart B—Admiralty Claims

AUTHORITY: 14 U.S.C. 646; 14 U.S.C. 633; 49 CFR 1.46(b).

§ 25.201 Scope.

This subpart prescribes the requirements for the administrative settlement of maritime tort claims against the United States for death, personal injury, damage to or loss of property caused by a vessel or other property in the service of the Coast Guard, or a maritime tort committed by an agent of the Coast Guard, and for claims for towage and salvage services rendered to a Coast Guard vessel or property.

§ 25.203 Claims payable.

A claim is payable under this subpart if it is:

(a) A claim for death, personal injury, damage to or loss of real or personal property arising from a maritime tort caused by an agent or employee of the Coast Guard, or a vessel or other property in the service of the Coast Guard, including an auxiliary facility operated under specific orders and acting within the scope of such orders; or

(b) A claim for compensation for towage and salvage services rendered to a vessel in the service of the Coast Guard or to other property under the jurisdiction of the Coast Guard.

§ 25.205 Claims not payable.

A claim is not payable under this subpart if it:

(a) Results from action by an enemy, or directly or indirectly from an act of the armed services of the United States in combat;

(b) Is purely contractual in nature;

(c) Is for death or personal injury of a United States employee for whom benefits are provided under the Federal Employees' Compensation Act, or any other system of compensation where contribution is made or insurance premiums paid directly or indi-

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rectly by the United States on behalf of the injured employee;

(d) Is one for which a foreign country is responsible under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty agreement;

(e) Arises from private or domestic obligations as distinguished from governmental transactions; or

(f) Is for damage to or loss of personal property of military personnel or civilian employees which is cognizable under the Military Personnel and Civilian Employees' Claims Act, as amended.

§ 25.207 Time limitation on claims.

(a) A settlement authority may administratively settle and approve a claim for final payment within two years from the date that the cause of action accrues. Otherwise, the claim is barred. This two-year period is not extended by presenting a claim nor by negotiations or correspondence. The existence of an administrative claim does not extend the two year statute of limitations in 46 U.S.C. 745.

(b) If a complaint is filed in a Federal District Court before the expiration of the two-year period, an administrative settlement may be negotiated by the settlement authority only with the consent of the Department of Justice. Payment is made upon final dismissal of the complaint.

Subpart C—Federal Tort Claims

AUTHORITY: 28 U.S.C. 2672; 28 CFR 14.49 CFR 1.45(a)(2); 49 CFR 1.45(a)(3).

§ 25.301 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States arising out of Coast Guard activities under the Federal Tort Claims Act.

§ 25.303 Procedure.

A claim shall be presented and processed in accordance with 28 CFR Part 14. Should there be a conflict between the provisions of 33 CFR Part 25, Subpart A and the Department of Justice

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regulations in 28 CFR Part 14, the Department of Justice regulations govern.

Subpart D—Military Claims

AUTHORITY: 10 U.S.C. 2733; 49 CFR 1.46(j).

§ 25.401 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States arising out of the activities of the Coast Guard under the Military Claims Act.

§ 25.403 Claims payable.

A claim arising at any place caused by military personnel or civilian employees of the Coast Guard acting within the scope of their employment, or otherwise incident to noncombat activities of the Coast Guard, whether or not negligence or intentional tort is shown, is payable under this subpart for:

- (a) Damage to or loss of real property, including damage or loss incident to the use and occupancy of real property by the Coast Guard;
- (b) Damage to or loss of personal property, including property bailed to the Coast Guard;
- (c) Damage to or loss of registered or insured mail while the mail is in the possession of the Coast Guard even though damaged or lost by criminal act; or
- (d) Death or personal injury.

§ 25.405 Claims not payable.

A claim is not payable under this subpart if it:

- (a) Results from action by an enemy or directly or indirectly from an act of the armed services of the United States in combat;
- (b) Is purely contractual in nature;
- (c) Results wholly or partly from the negligent or wrongful act of the claimant, claimant's agent, or claimant's employee, unless comparative negligence is applicable under local law;
- (d) Is for death or personal injury of a United States employee for whom benefits are provided under the Federal Employees' Compensation Act, Longshoremen's and Harbor Workers' Compensation Act, or any other

system of compensation where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee;

(e) Is cognizable under Subpart C or E of this part;

(f) Is for reimbursement for medical, hospital, or burial services furnished at the expense of the United States;

(g) Is one of the following exceptions to the Federal Tort Claims Act, 28 U.S.C. 2680 (a), (b), (e), (f), (h), or (j). (However, a claim falling within the exception contained in 28 U.S.C. 2680 (b) is payable when not prohibited by paragraph (i) of this section.);

(h) Results from a specific risk which the claimant assumed in writing before the incident giving rise to the claim;

(i) Is for damage to or loss of a letter or postal matter while in the possession of the Postal Service;

(j) Is for rent, or other payments involving the acquisition, use, possession, or disposition of real property or interests therein by and for the Coast Guard except as provided in § 25.403(a);

(k) Is for the taking of private property by trespass except for actual physical damage; or

(l) Is for personal injury or death of a member or civilian employee of the armed services of the U.S. whose death or injury was incident to service.

[CGD 80-033, 46 FR 27109, May 18, 1981, as amended by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 25.407 Time limitation on claims.

(a) A claim may be settled only if presented in writing within two years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not more than two years after the termination of the war or armed conflict.

(b) For the purposes of this section, a war or armed conflict is one in which an armed service of the United States is engaged. The dates of commencement and termination of an armed conflict will be as established by con-

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current resolution of Congress or by determination of the President.

§ 25.409 Appeal.

(a) A claimant may submit an appeal, in writing, through the settlement authority disapproving the claim or approving the claim in part.

(1) The appeal shall set forth fully the legal or factual bases asserted as grounds for the appeal; and

(2) The appeal is permitted only if it is postmarked within 45 days after receipt of (i) notice of disapproval of the claim or (ii) offer of settlement in a reduced amount.

(b) The disapproval of a claim is final unless the claimant submits a request for reconsideration or an appeal in writing.

(c) Upon receipt of an appeal, the settlement authority examines it and forwards it with the claim file, opinions, and recommendations to the next higher settlement authority.

Subpart E—Foreign Claims

AUTHORITY: 10 U.S.C. 2734; 49 CFR 1.46(b).

§ 25.501 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States by a foreign country, political subdivision or inhabitant thereof, for death, personal injury, damage to or loss of property occurring outside the United States, its territories, commonwealths, or possessions, caused by a military member or civilian employee of the Coast Guard, or otherwise incident to noncombat activities of the Coast Guard.

§ 25.503 Proper claimants.

(a) The claimant, or the decedent in a death case, must have been an inhabitant of a foreign country at the time of the incident giving rise to the claim and must not be otherwise excluded by § 25.505. It is not necessary that a claimant be a citizen of, or legal domiciliary of the foreign country.

(b) A corporation or other organization doing business in a foreign country on a permanent basis may qualify

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as a proper claimant although organized under United States law.

(c) The government of a foreign country or a political subdivision thereof is a proper claimant unless excluded by waiver provisions of applicable international agreements.

§ 25.505 Claimants excluded.

(a) Civilian employees of the United States and members of the armed services of the United States and their dependents, who are in a foreign country primarily because of their own or their sponsor's duty status.

(b) Other citizens of the United States, its territories, commonwealths, or possessions, unless they can establish their status as inhabitants of the foreign country.

(c) An insurer or other subrogee.

§ 25.507 Claims payable.

(a) A claim is payable under this subpart if it was incident to a noncombat activity of the Coast Guard or was caused by:

(1) A military member of the Coast Guard;

(2) A civilian employee of the Coast Guard who is not a national of the country in which the incident occurred; or

(3) A civilian employee of the Coast Guard who is a national of the country in which the incident occurred if:

(i) The employee was within the scope of employment, or

(ii) An employer or owner of the property involved would be liable under local law.

(b) The fact that the act giving rise to a claim may constitute a crime does not, by itself, bar relief.

(c) Local law or custom pertaining to contributory or comparative negligence, and to joint tort-feasors, are applied to the extent practicable.

§ 25.509 Claims not payable.

A claim is not payable under this subpart if it:

(a) Results from action by an enemy or directly or indirectly from an act of the armed services of the United States in combat;

(b) Is purely contractual in nature.

(c) Is for death or personal injury of a United States employee for whom benefits are provided under the Federal Employees' Compensation Act, the Longshoremen's and Harbor Workers' Compensation Act, or any other system of compensation where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee;

(d) Is one for which a foreign country is responsible under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty agreement;

(e) Arises from private or domestic obligations as distinguished from governmental transactions;

(f) Is a bastardy claim; or

(g) Involves a patent or copyright infringement.

§ 25.511 Time limitation on claims.

A claim may be settled only if presented in writing within two years after it accrues. Under appropriate circumstances, a claim presented orally may be considered.

§ 25.513 Amount claimed.

The claimant shall state the amount claimed in the currency of the country where the incident occurred or where the claimant resided at the time of the incident.

§ 25.515 Settlement and notice to claimant.

If a claim is determined to be meritorious in any amount, a written acceptance and release or a claim settlement agreement shall be signed by the claimant before payment. The release executed by the claimant shall release the United States and also release the tortfeasor or the person who occasioned the damage, injury, or death.

Subpart F—Claims Not Cognizable Under Other Law

Authority: 10 U.S.C. 2737; 49 CFR 1.45(a)(2).

§ 25.601 Scope.

This subpart prescribes the requirements for the administrative settle-

ment of claims against the United States under 10 U.S.C. 2737 incident to use of property of the United States and not cognizable under other law.

§ 25.603 Claims payable.

A claim for death, personal injury, or damage to or loss of real or personal property under this subpart is payable when caused by a military member or a civilian employee of the Coast Guard:

(a) Incident to the use of a vehicle of the United States at any place; or

(b) Incident to the use of any other property of the United States on a government installation.

§ 25.605 Claims not payable.

A claim is not payable under this subpart if it:

(a) Is legally recoverable by the claimant under a compensation statute or an insurance policy;

(b) Results wholly or partly from the negligent or wrongful act of the claimant, claimant's agent or employee;

(c) Is a subrogated claim;

(d) Is cognizable under any other provision of law or regulation administered by the Coast Guard; or

(e) Is for any element of damage pertaining to death or personal injury, other than the cost of reasonable medical, hospital, and burial expenses actually incurred and not otherwise furnished or paid by the United States.

§ 25.607 Time limitation on claims.

A claim may be settled only if presented in writing within two years after it accrues.

§ 25.609 Settlement and notice to claimant.

If a claim is determined to be meritorious in any amount, the claimant must sign a written acceptance and release or a claim settlement agreement before payment. Although larger claims may be considered, no claim may be approved or paid in an amount that exceeds \$1,000.00.

§ 25.701

Subpart G—Article 139, Uniform Code of Military Justice

AUTHORITY: 10 U.S.C. 939; 49 CFR 1.46(b).

§ 25.701 Scope.

This subpart prescribes the requirements for the administrative settlement of claims under Article 139, Uniform Code of Military Justice, 10 U.S.C. 939, against military members of the Coast Guard for damage to property willfully caused by them or loss of property wrongfully taken by them.

§ 25.703 Claims payable.

A claim for damage to or loss of real or personal property caused by a military member of the Coast Guard is payable under this subpart when the damage or loss results from:

- (a) Willful or intentional acts;
- (b) Wrongful taking; or
- (c) Riotous, violent, and reckless conduct or acts of depredation by an individual or group that evidences willfulness.

§ 25.705 Claims not payable.

A claim is not payable under this subpart if it:

- (a) Is for death or personal injury;
- (b) Results wholly or partly from the grossly negligent, or reckless act of the claimant, claimant's agent or employee;
- (c) Is a subrogated claim;
- (d) Is for damage to or loss of property owned by the United States or property of a Nonappropriated Fund Activity;
- (e) Results from negligence;
- (f) Is for indirect or remote damages;
- (g) Is for damage to or loss of property resulting from the act or omission of a member of the Coast Guard acting within the scope of the member's employment;
- (h) Extends to damage or loss that results from the owner's failure to mitigate damages; or
- (i) Has been paid by a third party.

§ 25.707 Time limitation on claims.

A claim may be settled only if presented within 90 days after it accrues unless good cause is shown for the delay.

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§ 25.709 Assessment limitation on claims.

A claim is permitted in any amount; however, this subpart prohibits any assessment that exceeds one-half of one month's basic pay against the pay of any offender.

Subpart H—Pollution Removal Damage Claims

AUTHORITY: 33 U.S.C. 1321(j)(1)(A); 33 U.S.C. 1321(i); EO 11735, sec. 5 (a), (b); 49 CFR 1.46(m).

§ 25.801 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States for damage to or loss of property resulting from containment or removal activities during Phase III or IV of the National Contingency Plan under the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321.

§ 25.803 Claims payable.

A claim for damage to or loss of real or personal property is payable under this subpart if:

- (a) Caused by the United States, its employees, agents or contractors during containment, countermeasure, cleanup, mitigation, and disposal activities under the National Contingency Plan; and
- (b) In the exercise of care reasonable under the circumstances, the incident giving rise to the claim was necessary and the damage unavoidable.

§ 25.805 Claims not payable.

A claim is not payable under this subpart if it:

- (a) Is for death or personal injury; or
- (b) Arises out of activities to contain or remove a discharge of oil or other hazardous polluting substance from a United States or foreign public vessel or federally controlled facility.

PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

- 26.01 Purpose.
- 26.02 Definitions.
- 26.03 Radiotelephone required.
- 26.04 Use of the designated frequency.
- 26.05 Use of radiotelephone.
- 26.06 Maintenance of radiotelephone; failure of radiotelephone.
- 26.07 English language.
- 26.08 Exemption procedures.
- 26.09 List of exemptions.
- 26.10 Penalties.

AUTHORITY: 45 Stat. 164; 33 U.S.C. 1201-1208; 49 CFR 1.46 (a)(2).

SOURCE: CGD 71-114R, 37 FR 12720, June 8, 1972, unless otherwise noted.

26.01 Purpose.

(a) The purpose of this part is to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. This part:

- (1) Requires the use of the vessel bridge-to-bridge radiotelephone;
- (2) Provides the Coast Guard's interpretation of the meaning of important terms in the Act;
- (3) Prescribes the procedures for applying for an exemption from the Act and the regulations issued under the Act and a listing of exemptions.

(b) Nothing in this part relieves any person from the obligation of complying with the rules of the road and the applicable pilot rules.

26.02 Definitions.

For the purpose of this part and interpreting the Act:

"Secretary" means the Secretary of the Department in which the Coast Guard is operating;

"Act" means the "Vessel Bridge-to-Bridge Radiotelephone Act", 33 U.S.C. sections 1201-1208;

"Length" is measured from end to end over the deck excluding sheer;

"Power-driven vessel" means any vessel propelled by machinery; and

"Towing vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972 (as rectified); EO 11864 (14 U.S.C. 2); 49 CFR 1.46(b))

(CGD 71-114R, 37 FR 12720, June 28, 1972, as amended by CGD 77-118a, 42 FR 35784, July 11, 1977)

§ 26.03 Radiotelephone required.

(a) Unless an exemption is granted under § 26.09 and except as provided in paragraph (a)(4) of this section, section 4 of the Act provides that:

- (1) Every power-driven vessel of 300 gross tons and upward while navigating;
- (2) Every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating;
- (3) Every towing vessel of 26 feet or over in length while navigating; and

(4) Every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels: *Provided*, That an unmanned or intermittently manned floating plant under the control of a dredge need not be required to have separate radiotelephone capability;

Shall have a radiotelephone capable of operation from its navigational bridge, or in the case of a dredge, from its main control station, and capable of transmitting and receiving on the frequency or frequencies within the 156-162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by paragraph (a) of this section shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.

§ 26.04 Use of the designated frequency.

(a) No person may use the frequency designated by the Federal Communications Commission under section 8 of the Act, 33 U.S.C. 1207(a), to transmit any information other than information necessary for the safe navigation of vessels or necessary tests.

(b) Each person who is required to maintain a listening watch under section 5 of the Act shall, when necessary, transmit and confirm, on the designated frequency, the intentions of his vessel and any other information necessary for the safe navigation of vessels.

§ 26.05

(c) Nothing in these regulations may be construed as prohibiting the use of the designated frequency to communicate with shore stations to obtain or furnish information necessary for the safe navigation of vessels.

NOTE: The Federal Communications Commission (FCC) has designated the frequency 156.65 MHz (Channel 13) for the use of bridge-to-bridge stations in most of the United States. However, FCC rules designate the frequency 156.375 MHz (Channel 67) to be used instead of Channel 13 in the following areas, except to facilitate transition from these areas: The Mississippi River from South Pass Lighted Bell Buoy "2" and Southwest Pass Entrance (midchannel) Lighted Whistle Buoy SW to mile 242.4 AHP (Above Head of Passes) near Baton Rouge; and, in addition, over the full length of the Mississippi River-Gulf Outlet Canal from entrance to its junction with the Inner Harbor Navigation Canal, and over the full length of the Inner Harbor Navigation Canal from its junction with the Mississippi River to its entry to Lake Ponchartrain at the New Seabrook vehicular bridge.

(85 Stat. 164; 33 U.S.C. 1201-1208; 49 CFR 1.46(n)(2))

(CGD 71-114R, 37 FR 12720, June 28, 1982, as amended by CGD 83-036, 48 FR 30107, June 30, 1983)

§ 26.05 Use of radiotelephone.

Section 5 of the Act states:

(a) The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this Act.

§ 26.06 Maintenance of radiotelephone; failure of radiotelephone.

Section 6 of the Act states:

(a) Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall

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not, in itself, constitute a violation of the Act, nor shall it obligate the master of a vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

§ 26.07 English language.

No person may use the services of a vessel and no person may serve as a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204 unless he can speak the English language.

§ 26.08 Exemption procedures.

(a) Any person may petition for an exemption from any provision of the Act or this part;

(b) Each petition must be submitted in writing to U.S. Coast Guard, Office of Navigation Safety and Waters Services, 2100 Second Street SE, Washington, DC 20593-0001, and in the state:

(1) The provisions of the Act or this part from which an exemption is requested; and

(2) The reasons why marine navigation will not be adversely affected if the exemption is granted and if an exemption system relates to a local communication system how that system will fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

(CGD 71-114R, 37 FR 12720, June 28, 1982, as amended by CGD 73-256, 39 FR 10101, Mar. 8, 1974; CGD 88-052, 53 FR 25118, June 1, 1988)

§ 26.09 List of exemptions.

(a) All vessels navigating on the waters governed by the navigation rules for Great Lakes and their connecting and tributary waters (33 U.S.C. 241 et seq.) are exempt from the requirements of the Vessel Bridge-to-Bridge Radiotelephone Act and this part until May 6, 1975.

(b) Each vessel navigating on the Great Lakes as defined in the International Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201-1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205

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the regulations under §§ 26.03, 26.04, 26.05, 26.06, and 26.07. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1-7 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

[CGD 72-223R, 37 FR 28633, Dec. 28, 1972, as amended by CGD 74-291, 39 FR 44980, Dec. 30, 1974; CGD 83-003, 48 FR 7442, Feb. 18, 1983]

§ 26.10 Penalties.

Section 9 of the Act states:

(a) Whoever, being the master or person in charge of a vessel subject to the Act, fails to enforce or comply with the Act or the regulations hereunder; or whoever, being designated by the master or person in charge of a vessel subject to the Act to pilot or direct the movement of a vessel fails to enforce or comply with the Act or the regulations hereunder—is liable to a civil penalty of not more than \$500 to be assessed by the Secretary.

(b) Every vessel navigated in violation of the Act or the regulations hereunder is liable to a civil penalty of not more than \$500 to be assessed by the Secretary, for which the vessel may be proceeded against in any District Court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary, upon such terms as he may deem proper.

SUBCHAPTER B—MILITARY PERSONNEL

PART 40—CADETS OF THE COAST GUARD

AUTHORITY: 14 U.S.C. 182 and 633; 49 CFR 1.46(b).

§ 40.1 Program for appointing cadets.

The Coast Guard conducts a program for appointing qualified men and women as cadets who are admitted to the Coast Guard Academy, New London, Connecticut. The Superintendent of the Coast Guard Academy tenders appointments on the basis of previous academic performance, reported College Entrance Examination Board or American College Testing scores, and the findings of a Cadet Candidate Evaluation Board, consisting of Coast Guard officers appointed by the Superintendent of the Coast Guard Academy, which reviews each applicant's personal qualifications. In addition, a Service Academy Medical Examination must be satisfactorily completed before appointment. Applications must be submitted on Coast Guard form CG-4151. This form, along with additional information on the Cadet appointment program, may be obtained from the Director of Admissions, U.S. Coast Guard Academy, New London, CT 06230.

[CGD 81-004, 46 FR 4912, Jan. 19, 1981]

PART 45—ENLISTMENT OF PERSONNEL

Sec.

45.1 Enlistment of personnel.

45.2 Records of enlistment of former service members.

AUTHORITY: 14 U.S.C. 351, 371; 49 CFR 1.46(b).

SOURCE: CGD 82-087, 50 FR 13318, Apr. 4, 1985, unless otherwise noted.

§ 45.1 Enlistment of personnel.

(a) The Coast Guard is a military service which operates within the Department of Transportation. All personnel enlisted in the Coast Guard are

subject to the Uniform Code of Military Justice.

(b) Any person desiring to enlist in the Coast Guard should apply at the Coast Guard Recruiting Office, or direct inquiries to, Commandant (G-PMR), U.S. Coast Guard, Washington, DC 20593. Enlistments in the Coast Guard shall be for general service and enlisted persons may be transferred as necessary from one unit to another. Original enlistments will be made only at regular recruiting offices unless otherwise directed by the Commandant. An original enlistment is the enlistment of an individual who has not had previous service in the Regular Coast Guard. In processing an application for enlistment, the Coast Guard will determine the mental, moral and physical fitness of the applicant through reference to local police files, character references, employer, school authorities and physical and mental examinations. Concealment of any fact, circumstance or condition existing prior to enlistment which would render the applicant ineligible for enlistment may subject the applicant to criminal penalties under the Uniform Code of Military Justice and/or administrative separation from the Coast Guard.

§ 45.2 Records of enlistment of former service members.

Former members who have questions about their service or who need information regarding their service should contact the nearest Coast Guard Recruiting Office or Commandant (G-PMR), U.S. Coast Guard, Washington, D.C. 20593.

PART 49—PAYMENT OF AMOUNT DUE MENTALLY INCOMPETENT COAST GUARD PERSONNEL

Subpart 49.01—General Provisions

Sec.

49.01-1 Applicability.

49.01-5 Requests for appointment of trustee.

49.01-10 Determination of incompetency.

Sec. **Subpart 49.05—Trustee**

- 49.05-1 Appointment of trustee.
- 49.05-5 Bonding of trustee.
- 49.05-10 Affidavits required.

Subpart 49.10—Reports and Moneys

- 49.10-1 Reports required.
- 49.10-5 Payment of moneys due.
- 49.10-10 Cessation of payments.
- 49.10-15 Final accounting by trustee.

Subpart 49.15—Additional Instructions

- 49.15-1 Implementing instructions.

AUTHORITY: SECS. 1, 2, 3, 4, 64 Stat. 249, 250; 37 U.S.C. 351, 352, 353, 354.

SOURCE: CGFR 51-48, 16 FR 10636, Oct. 18, 1951, unless otherwise noted.

Subpart 49.01—General Provisions

§ 49.01-1 Applicability.

The Commandant of the Coast Guard is hereby designated and is authorized to appoint, in his discretion, the person or persons who may receive active-duty pay and allowances, amounts due for accumulated or accrued leave, or any retired or retainer pay, otherwise payable to personnel on the active or retired list of the Coast Guard and Coast Guard Reserve, entitled to Federal pay either on the active or any retired list of said service, who, in the opinion of competent medical authority, have been determined to be mentally incapable of managing their own affairs, and for whom no legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction.

§ 49.01-5 Requests for appointment of trustee.

Requests for the appointment of a person or persons to receive moneys due personnel believed to be mentally incapable of managing their own affairs shall be submitted to the Commandant of the Coast Guard:

(a) By any person or persons who believe, because of relationship, they should be appointed to receive payments on behalf of the alleged incompetent;

(b) By the Commanding Officer of the alleged incompetent if the latter is on active duty;

(c) By the Commanding Officer of any Armed Forces hospital in which the mentally incompetent is undergoing treatment;

(d) By the head of any veterans' hospital, or other public or private institution in which the alleged incompetent is undergoing treatment;

(e) By any other person or organization acting for and in the best interests of the alleged mentally incompetent.

§ 49.01-10 Determination of incompetency.

After examining the legitimacy, substance, and sufficiency of the application, the Commandant shall either (a) direct the Commanding Officer of the alleged mentally incompetent, (b) the Commanding Officer of the Coast Guard unit to which such incompetent may be conveniently referred, or (c) request the Surgeon General of the Public Health Service to convene or appoint, at the Public Health Hospital or facility, where the alleged incompetent is receiving treatment or to which his case may be conveniently referred, a board of not less than three qualified medical officers, one of whom shall be specially qualified in the treatment of mental disorders, to determine whether the alleged incompetent is capable of managing his own affairs. The record of proceedings, and the findings of the board shall, after action by the Convening or Appointive Authority thereon, be forwarded to the Commandant.

Subpart 49.05—Trustee

§ 49.05-1 Appointment of trustee.

Upon receipt of a finding by a board convened or appointed in accordance with § 49.01-10, that the alleged incompetent is mentally incapable of managing his own affairs, the Commandant may appoint a suitable person or persons, not under legal disability so to act, as trustee or trustees to receive in behalf of the incompetent all amounts due the incompetent from such sources set forth in § 49.01-1, and

§ 49.05-5

to use said funds in the best interests of the incompetent.

§ 49.05-5 Bonding of trustee.

The trustee or trustees appointed to receive moneys in behalf of incompetent personnel shall furnish a bond in all cases when the amounts to be received may be expected to exceed \$1,000, and in such other cases when deemed appropriate by the Commandant. The bond so required and furnished shall have as surety a company approved by the Federal Government, and shall be in such amount as is required by the Commandant. Such bonds shall be continued in effect for the life of trusteeship and expenses in connection with the furnishing and renewal of such bonds may be paid out of sums due the incompetent.

§ 49.05-10 Affidavits required.

The trustee or trustees appointed to receive moneys due incompetent personnel shall, prior to the payment of any such moneys, execute and file with the Commandant an affidavit or affidavits saying and deposing that any moneys henceforth received by virtue of such appointment shall be applied solely to the use and benefit of the incompetent and that no fee, commission, or charge shall be demanded, or in any manner accepted, for any service or services rendered in connection with such appointment as trustee or trustees.

Subpart 49.10—Reports and Moneys

§ 49.10-1 Reports required.

The trustee or trustees so appointed shall submit reports annually, or at such other times as the Commandant may designate. The report shall show a statement of the conditions of the trust account at the time of the submission of the report, including all funds received on behalf of the incompetent; all expenditures made in behalf of the incompetent, accompanied by receipts or vouchers covering such expenditures; and a receipt indicating that the surety bond required by § 49.05-5 has been renewed. When the trustee is the spouse or adult dependent of the incompetent, receipts or vouchers need not be filed for ex-

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pensitures made for living expenses. If the trustee or trustees fail to report promptly and properly at the end of any annual period or at such other times as the Commandant desires, the Commandant may, in his discretion, cause payment to such trustee or trustees to cease, and may, if deemed advisable, appoint another person or persons not under legal disability to act, to receive future payments of moneys due the incompetent for the use and benefit of the incompetent.

§ 49.10-5 Payment of moneys due.

Upon the appointment of a trustee or trustees to receive moneys due an incompetent, the authorized certifying officer having custody of that person's pay record shall be advised. After such notification, payments of moneys due the incompetent may be made by the appropriate officer in accordance with procedure prescribed by the Commandant. All such payments so made, however, shall be made to the designated trustee or trustees.

§ 49.10-10 Cessation of payments.

(a) Payments of amounts due incompetent personnel shall cease to be paid to the trustee or trustees upon receipt of notification by the authorized certifying officer of the occurrence of any of the following:

- (1) Death of the incompetent;
- (2) Death or disability of the trustee or trustees appointed;
- (3) Receipt of notice that a committee, guardian, or other legal representative has been appointed for the incompetent by a court of competent jurisdiction;
- (4) Failure of the trustee or trustees to render the reports required by § 49.10-1;
- (5) That there is probable cause to believe that moneys received on behalf of the incompetent have been, or are being, improperly used;
- (6) A finding by a board of medical officers that the heretofore incompetent is mentally capable of managing his own affairs;
- (7) That the Commandant deems it to be in the best interest of the incompetent.

(b) In the event of termination of payments under paragraphs (a)(2), (4), (5), or (7) of this section, the Commandant may, if deemed appropriate, appoint a successor trustee or trustees. The successor trustee or trustees, so appointed, shall comply with the provisions of the regulations and instructions in this part issued thereunder, and do all acts in the manner required of the original trustee or trustees.

§ 49.10-15 Final accounting by trustee.

The trustee or trustees, when payments, hereunder are terminated, shall file a final account with the said Commandant. Thereupon, the trustee or trustees will be discharged and the surety released. In event of death or disability of the trustee, the final accounting will be filed by his legal representative.

Subpart 49.15—Additional Instructions

§ 49.15-1 Implementing instructions.

The Commandant is hereby authorized to issue such instructions not in conflict with the regulations in this part as may be necessary from time to time to give full force and effect thereto.

PART 50—COAST GUARD RETIRING REVIEW BOARD

Sec.

50.1 Establishment and duties of Board.

50.2 Composition of Board.

50.3 Request for review.

50.4 Presentation of case.

50.5 Action by the Board.

50.6 Notification of final action.

AUTHORITY: Sec. 8, 18 Stat. 127, as amended; sec. 302, 58 Stat. 287, as amended; 14 U.S.C. 92, 38 U.S.C. 6931.

NOTE: For the text of waivers of navigation and vessel inspection laws and regulations, see Part 19 of this chapter.

§ 50.1 Establishment and duties of Board.

(a) A Retiring Review Board, referred to in this part as the Board, is hereby established in the Coast Guard.

(b) It will be the duty of the Board to review, at the request of any Coast

Guard officer retired or released to inactive service, without pay, for physical disability, pursuant to the decision of a retiring board, the findings and decision of the retiring board. The term "retired or released to inactive service" includes every kind of separation from the service.

(c) After reviewing the findings and decision of a retiring board the Board will affirm or reverse, in whole or in part, the findings and decision of the retiring board.

(d) In carrying out its duties the Board shall have the same powers as exercised by, or vested in, the retiring board whose findings and decision are being reviewed.

[10 FR 5650, May 17, 1945]

§ 50.2 Composition of Board.

(a) The Board will be composed of five commissioned officers designated for each case from a panel appointed by the Commandant. The senior Coast Guard members of the panel will designate the members of the Board for each case, three of whom shall be officers of the Coast Guard and two of whom shall be officers of the Public Health Service.

(b) The senior Coast Guard member of the Board will be President and the junior Coast Guard member will be Recorder.

(c) The Board will convene at the time and place designated by the President for each case, and will recess and adjourn at his order.

[10 FR 5650, May 17, 1945. Redesignated at 13 FR 7303, Nov. 30, 1948, and amended by CGFR 53-12, 18 FR 2953, May 22, 1953]

§ 50.3 Request for review.

(a) Any officer of the Coast Guard who is retired or released to inactive service, without pay, for a physical disability, pursuant to the decision of a Coast Guard retiring board, may request a review of the findings and decision of the retiring board.

(b) An application requesting a review must be in writing and shall be addressed to the Retiring Review Board, Coast Guard Headquarters, Washington D.C. 20226. Forms for application for review will be provided upon request.

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(c) An application requesting a review shall contain:

- (1) The full name of the applicant;
- (2) The mailing address of the applicant;

(3) A brief statement setting out the basis of the request for review, showing in general the nature of error or inequity believed to have occurred in the findings and decision of the retiring board;

(4) The corrective action requested;

(5) Whether the applicant desires to appear before the Board in person;

(6) Whether the applicant will be represented by counsel, and if so, the name and address of counsel.

(d) No request for review shall be valid, and the Board will not consider an application, unless filed within fifteen years after the date of retirement for disability, or after the effective date of the act of June 22, 1944, whichever is the later.

[10 FR 5650, May 17, 1945. Redesignated at 13 FR 7303, Nov. 30, 1948]

§ 50.4 Presentation of case.

(a) The applicant may present his case:

(1) Solely by written application, or by written application together with any additional written evidence or argument that he may desire to submit;

(2) At a hearing before the Board.

(b) The case of an applicant may be presented by his counsel. The term "counsel" includes members of the bar in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (49 Stat. 2031, 38 U. S. C. 101), and any other person approved by the Board.

(c) If an applicant signifies a desire to present his case at a hearing, the Board will give him written notice of the place of his hearing, and of the time, which shall be at least thirty days after the time of mailing the notice.

(d) The Board may, upon its own motion or at the request of the applicant or his counsel, grant a continuance whenever it appears necessary, in the judgment of the Board, in order to insure a thorough, complete and equitable hearing.

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(e) The case of any applicant who fails to appear, either in person or by counsel, after being duly notified, at the time and place of the hearing, will be decided upon the written application and such other evidence as is available to the Board.

(f) As far as practicable the hearing of the Board will be conducted in accordance with the pertinent instructions contained in Coast Guard Boards, 1935, as amended, except that:

(1) Physical examination of the applicant is not mandatory, but the Board may request that he submit to physical examination by physicians of the Board's choice in any case in which it appears to the satisfaction of the Board to be essential;

(2) The medical members of the Board will not submit a report and will not be subject to examination.

(g) Evidence may be submitted to the Board by oral testimony under oath, or in the form of depositions or affidavits. Witnesses appearing before the Board will be subject to examination or cross-examination, as the case may be, by members of the Board and the applicant or his counsel.

(h) The Board will consider all available service records and all matter produced by the applicant that bears upon the merits of the case. It will not be restricted by the rules of evidence.

(i) Classified matter of the Coast Guard will not be made available to an applicant or his counsel. The Board will, when it deems it necessary in the interest of justice and compatible with the public interest, make available a summary of relevant classified matter.

(j) The Government will not assume or pay any expenses incurred by an applicant, or by his witnesses or counsel.

[10 FR 5650, May 17, 1945. Redesignated at 13 FR 7303, Nov. 30, 1948]

§ 50.5 Action by the Board.

(a) After a complete and thorough review of the evidence before it the Board will, in closed session, deliberate and make its decision affirming or reversing the findings and decision of the retiring board being reviewed.

(b) If the Board reverses the findings of the retiring board being reviewed,

viewed, it will make complete findings, including:

(1) Whether the applicant was incapacitated for active service;

(2) If so, the disability causing the incapacity;

(3) Whether the incapacity is permanent;

(4) Whether the incapacity was the result of an incident of service or incurred in the line of duty;

(5) Whether the incapacity was the result of the applicant's own vicious habits;

(6) In the case of Reserve officers and officers who have served under temporary appointments, when the physical disability was incurred.

(c) The findings and decision of a majority of the Board will constitute the findings and decision of the Board Members who do not concur with the majority may file a minority report.

(d) When the Board has concluded its proceedings in any case the Recorder will prepare a complete record thereof including (1) the application for review (2) a transcript of the hearing, if any (3) affidavits, briefs, and written agreements filed in the case, (4) the findings and decision of the Board, and (5) all other papers and documents necessary to reflect a true and complete record of the proceedings. This complete record will be transmitted to the Commandant for appropriate action.

[10 FR 5850, May 17, 1945. Redesignated at 13 FR 7303, Nov. 30, 1948, and amended at CGFR 53-12, 18 FR 2953, May 22, 1953]

§ 50.6 Notification of final action.

The officer requesting the interview will be notified by letter of the final action taken in the case.

[CGFR 48-73, 13 FR 333, Dec. 31, 1948]

PART 51—COAST GUARD DISCHARGE REVIEW BOARD

Sec.

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AUTHORITY: 10 U.S.C. 1553.

SOURCE: CGD 81-104, 50 FR 41495, Oct. 11, 1985, unless otherwise noted.

§ 51.1 Basis and purpose.

This part establishes the procedures for review of administrative discharges from the Coast Guard by a Discharge Review Board (DRB) or by the Secretary of the Department, and for the compilation of the record of the DRB determination, made available for public inspection, copying and distribution through the Armed Forces Discharge Review/Correction Board Reading Room.

§ 51.2 Authority.

(a) The Secretary of Transportation has the authority to establish a Discharge Review Board (DRB) to review the discharge of a former member of the United States Coast Guard under the provisions of 10 U.S.C. 1553. This part prescribes the establishment and outlines the procedures of the Coast Guard Discharge Review Board. The Secretary retains the authority to review and take final action on the DRB's findings in the following cases:

(1) Those cases in which a minority of the board requests that their written opinion be forwarded to the Secretary for consideration;

(2) Those cases selected by the Commandant to inform the Secretary of aspects of the board's functions which may be of interest to the Secretary;

(3) Any case in which the Secretary demonstrates an interest;

(4) Any case which the President of the board believes is of significant interest to the Secretary.

(b) The Commandant of the Coast Guard is delegated the authority to:

(1) Appoint members to serve on the Discharge Review Board;

(2) Appoint alternates to serve on the DRB in the event that a regularly appointed member is unavailable;

(3) Designate a member as the President of the DRB; and

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(4) Review and take final action on all DRB decisions which are not reviewed by the Secretary.

§ 51.3 Applicability and scope.

The provisions of this part apply to the United States Coast Guard including reserve-components and all former members who have been discharged within 15 years of the date upon which application for review is received by the DRB. A former member may apply to the DRB for a change in the character of, and/or the reason for, the discharge. The Coast Guard DRB review is generally applicable only to administrative discharges, however, the DRB may review the discharge of a former member by sentence of a court-martial for the purpose of clemency. A petition for clemency will not be considered by the DRB unless the applicant has exhausted all appellate remedies. Upon a petition for clemency, the DRB shall consider only the equity of the discharge awarded.

§ 51.4 Definitions.

(a) *Applicant*. A former member of the Coast Guard who has been discharged from the service but excluding those discharged by sentence of a court-martial, except as provided in § 51.3. If the former member is deceased or incompetent, the term "applicant" includes the surviving spouse, next-of-kin, or legal representative who is acting on behalf of the former member.

(b) *Counsel*. An individual or agency designated by the applicant who agrees to represent the applicant in a case before the DRB. It includes, but is not limited to: A lawyer who is a member of the bar of a federal court or of the highest court of a state; an accredited representative designated by an organization recognized by the Administrator of Veterans Affairs; a representative from a state agency concerned with veterans affairs; or a representative from private organizations or local government agencies.

(c) *Discharge*. Any formal separation of a member from the Coast Guard which is not termed "honorable", including dismissals and "dropping from the rolls". This term also includes the

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assignment of a separation program designator, separation authority, the stated reason for the discharge, and the characterization of service.

(d) *Discharge Review*. The process by which the reason for separation, the procedures followed in accomplishing separation, and the characterization of service are evaluated. This includes determinations made under the provisions of 38 U.S.C. 3103(e)(2).

(e) *Discharge Review Board*. A board consisting of five members of the U.S. Coast Guard, appointed by the Commandant of the Coast Guard and vested with the authority to review the discharge of a former member. The board is empowered to change a discharge or issue a new discharge to reflect its findings, subject to review by the Commandant or the Secretary.

(f) *Hearing*. A proceeding which, upon request of the applicant, is utilized in the discharge review process enabling the applicant and/or the applicant's representative to appear before the DRB and present evidence.

(g) *President*. An officer of the United States Coast Guard appointed by the Commandant as President to preside over the DRB. The President will convene the board and may also serve as a member. If the President does not serve as a member of the DRB, the President shall designate a presiding officer for the board to serve as President.

§ 51.5 Objective of review.

The objective of the discharge review is to examine the propriety and equity of the applicant's discharge and to effect changes if necessary. The DRB will utilize its discretion to reach a fair and just resolution of the applicant's claim. The standards of review and the underlying factors which aid in determining whether the standards are met shall be historically consistent with criteria for determining honorable service. No factors shall be established which require automatic change, or denial of change, in a discharge.

§ 51.6 Propriety standard of review.

A discharge is deemed to be proper except that:

(a) A discharge may be improper if an error of fact, law, procedure, or discretion was associated with the discharge at the time of issuance which prejudiced the rights of the applicant.

(b) A discharge may be improper if there has been a change in policy by the Coast Guard made expressly retroactive to the type of discharge under consideration.

§ 51.7 Equity standard of review.

(a) A discharge is presumed to be equitable and will not be changed under this section unless the applicant submits evidence sufficient to establish, to the satisfaction of the DRB that:

(1) The policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on a service-wide basis to discharges of that type, provided that current policies or procedures represent a substantial enhancement of the rights afforded a party in such proceedings, and there is substantial doubt that the applicant would have received the same discharge if relevant current policies and procedures had been available to the applicant at the time of the discharge proceedings under consideration; or

(2) At the time of issuance, the discharge was inconsistent with standards of discipline in the Coast Guard; or

(3) The applicant's military record and other evidence presented to the DRB, viewed in conjunction with the factors listed in § 51.8 and the regulations under which the applicant was discharged, do not fairly justify the type of discharge received.

(b) If the applicant was discharged with a characterized discharge before June 15, 1983, a change from the characterized discharge to an uncharacterized discharge will not be considered under the provisions of (a)(1) of this section unless specifically requested by the applicant. A determination that a discharge is inequitable according to the provisions of (a)(2) or (a)(3) of this section shall entitle the applicant to a discharge of a type to which the applicant was entitled at the time the original discharge was issued.

§ 51.8 Relevant considerations.

In determining the equity and propriety of a former member's discharge, the DRB shall consider all relevant evidence presented by the applicant. The DRB review will include, but is not limited to, consideration of the following factors:

(a) The quality of the applicant's service. In determining the quality of the applicant's service, the DRB may consider the applicant's dates and periods of service; rate or rank achieved; marks and evaluations received; awards, decorations and letters of commendation; acts of merit; combat service and wounds received; promotions and demotions; prior military service and type of discharge; records of unauthorized absence; records of non-judicial punishment; convictions by court-martial; records of conviction by civil authorities while a member of the Coast Guard; and any other relevant information respecting the applicant which is brought to the board's attention.

(b) The applicant's capability to serve. In determining the applicant's capability to serve, the DRB considers such factors as the applicant's age and education; qualification for reenlistment; capability to adjust to military service; and family or personal problems.

(c) Any evidence of arbitrary, capricious or discriminatory actions by individuals in authority over the applicant.

(d) Any other information respecting the applicant considered by the DRB to be relevant and material to the review of the applicant's discharge.

§ 51.9 Discharge review procedures.

(a) *Preliminary.* Prior to a review, applicants or their representatives may obtain copies of military records by submitting a Standard Form 180, Request Pertaining to Military Records, to the National Personnel Records Center (NPRC), 9799 Page Boulevard, St. Louis, MO. 63132. The request to the NPRC should be submitted prior to submitting the application for review, so that relevant infor-

mation from the record can be included with the application.

(b) *Initiation of review.* Review may be initiated by an applicant or by the DRB. The applicant may apply for DRB review of discharge by submitting DD Form 293, Application for Review of Discharge or Separation from the Armed Forces of the United States, along with any other statements, affidavits or documentation desired by the applicant. The application must be received by the DRB within fifteen (15) years of the date of the discharge. The application form can be obtained, along with explanatory matter, from Commandant, (G-PE/44) U.S. Coast Guard Headquarters, 2100 2nd Street SW., Washington, DC 20593, any regional VA office, or by writing to the Armed Forces Review/Correction Board Reading Room, Pentagon Concourse, Washington, DC 20310.

(c) *Notice.* (1) The DRB will provide notification advising the former member of—

- (i) Receipt of the applicant's request;
- (ii) The right to appear before the board in person or by counsel; and
- (iii) The date of review.

If the former member is deceased, written notice of DRB review will be sent to the surviving spouse, next of kin or legal representative of the former member. If the review is initiated by the DRB, notification will be sent to the last known address of the former member.

(2) Prior to the initiation of the decision process, the DRB will notify the former member of the date by which requests to examine the documents to be considered by the board must be received. This notice will also state the date by which a request for a hearing must be made and the deadline for filing responses to the board.

(3) An applicant who requests a hearing will be notified of the time and place of the hearing. All expenses incurred by the applicant in DRB proceedings and hearings are the sole responsibility of the applicant and are not obligations of the U.S. Coast Guard or the Department of Transportation. If the applicant fails to appear, except as provided in § 51.9(f),

the DRB will review the discharge and reach a decision based upon the evidence of record.

(d) *Withdrawal of application.* An applicant may withdraw an application without prejudice at any time before the scheduled review. An application which is withdrawn will not stay the running of the 15 year statutory limitation imposed on the authority of the DRB to review the discharge.

(e) The DRB will consider the records and other data submitted by the applicant. The DRB may consider other probative evidence provided that all materials relied on by the DRB, except classified documents, are made available to the applicant and applicant's representative prior to the hearing date (or review date if no hearing is requested). The DRB shall not consider a classified document in the review of a discharge unless a summary of, or extract from, the document (deleting all reference to sources of information and other matters, the disclosure of which would, in the opinion of the classifying authority, be detrimental to the security interests of the United States) is made available to the applicant.

(f) *Postponement of review or hearing.* At any time before the date of scheduled review or hearing, an applicant may be granted a continuance, provided the applicant or the applicant's counsel makes a written request for additional time to the DRB which shows good cause to justify the postponement.

(g) *Hearing procedures.* The following procedures apply to DRB hearings:

(1) DRB hearings are not public. Presence at hearings is limited to persons authorized by the Commandant or expressly requested by the applicant, subject to reasonable limitations based upon available space.

(2) The Federal Rules of Evidence are not applicable to DRB proceedings. The presiding officer rules on matters of procedure and ensures that reasonable bounds of relevancy and materiality are adhered to in the taking of evidence.

(3) An applicant is permitted to make a sworn or unsworn statement. Witness testimony will only be taken

under oath or affirmation. An applicant or witness who makes a statement may be questioned by the DRB.

(4) An applicant may make oral or written argument personally or through his or her representative.

(h) *Reconsideration.* The decision of the DRB may not be reconsidered unless—

(1) The only previous consideration of the case was on the motion of the DRB;

(2) Changes in discharge policy occur; or

(3) New, substantial, relevant evidence, not available to the applicant at the time of the original review, is submitted to the DRB.

§ 51.10 Decisions.

(a) The DRB will make written findings and conclusions with respect to all disputed facts and issues. The decision of the DRB is governed by the vote of a majority of the board.

(b) A decision document is prepared for each review conducted by the DRB. This document contains—

(1) The date, character of, and reason for the discharge including the specific authority under which the discharge was issued;

(2) The specific change(s) requested by the applicant;

(3) A list of the issues raised by the applicant;

(4) The circumstances and character of the applicant's service, as extracted from the service record, health record and other evidence presented to the DRB;

(5) References to documentary evidence, testimony or other material relied on by the DRB in support of its decision;

(6) A statement of the DRB's findings with respect to each issue raised by the applicant;

(7) A summary of the rationale and a statement of the DRB's conclusions as to whether any change, correction or modification should be made in the type or character of the discharge or the reason and authority for the discharge; and

(8) A statement of the particular changes, correction, or modification made by the DRB.

§ 51.11 Records.

(a) The record of the discharge review will include—

(1) The application for review;

(2) A summarized record of the testimony and a summary of evidence considered by the DRB other than information contained in the service records;

(3) Briefs or written arguments submitted by or on behalf of the applicant;

(4) The decision of the DRB;

(5) Advisory opinions relief upon for the final action; and

(6) The final action on the DRB decision by the Commandant or Secretary.

(b) The record of the discharge review is incorporated into the service record of the applicant.

(c) A copy of the decision of the DRB and the final action thereon is made available for public inspection and copying promptly after a notice of the final decision is sent to the applicant. However, to the extent required for the protection of privacy rights, identifying details of the applicant and other persons are deleted from the public record.

(1) DRB documents made available for public inspection and copying are located in the Armed Forces Discharge Review/Correction Board Reading Room. The documents are indexed so as to enable the public to determine why relief was granted or denied. The index includes the case number, the date, character of, reason for, and authority for the discharge and is maintained at Coast Guard Headquarters and the Armed Forces Reading Room. The Armed Forces Discharge Review/Correction Board Reading Room publishes indexes quarterly for all boards.

(2) Correspondence relating to matters under the cognizance of the Reading Room (including requests for purchase of indexes) should be addressed to: Armed Forces Discharge Review/Correction Board Reading Room, The Pentagon Concourse, Washington, DC 20310.

Part 52

PART 52—BOARD FOR CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

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AUTHORITY: 10 U.S.C. 1552; 49 U.S.C. 1655(b).

SOURCE: 41 FR 17895, Apr. 29, 1976, unless otherwise noted.

Subpart 52.01—Purpose and Authority

§ 52.01-1 Purpose.

This part establishes the procedures for making application for the correction of military records of the Coast Guard, the consideration of applications by the Department of Transportation Board for Correction of Military Records of the Coast Guard, and for settling claims or determining monetary benefits.

§ 52.01-5 Authority.

(a) Section 131 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190g) provides that no private bill or resolution, and no amendment to any bill or resolution, authorizing or directing the correction of military or naval records, shall be received or considered in either the Senate or the House of Representatives. Section 207 of the same Act, as amended, and as reenacted and codified in 10 U.S.C. 1552, provides that the Secretary of the Treasury, under procedures established by him, and acting through a board of civilians, may correct any military record of the Coast Guard when he considers it necessary to correct an error or remove an injustice. The functions, powers, and duties of the Secretary of the Treasury relating to the Coast Guard were transferred to and vested in the Secretary of Transportation (hereinafter, "the Secretary") by section 6(b) of the Department of Transportation Act (49 U.S.C. 1655(b)).

(b) Because this statutory authority is a substitute for the correction of military or naval records by legislative action, it is construed as conferring jurisdiction on the Secretary substantially equivalent to that previously exercised by the Congress.

(c) Corrections made under this authority are final and conclusive on all officers of the Government except when procured by fraud.

Subpart 52.05—Establishment, Function, and Jurisdiction of the Board

§ 52.05-1 Establishment and composition.

(a) Pursuant to 10 U.S.C. 1552 and 49 U.S.C. 1655(b), the Board for Correction of Military Records of the Coast Guard (hereinafter "the Board") is established in the Office of the Secretary of Transportation.

(b) The Secretary appoints a panel of civilian officers or employees of the Department of Transportation to serve as members of the Board, and designates one such member to serve as Chairman of the Board. The Chairman designates members from this panel to serve as the Board for each case requiring consideration by a Board. A Board consists of three members, and two members present constitute a quorum of the Board.

(c) The Executive Secretary of the Board carries out the functions prescribed for him by these regulations and such other duties as may be assigned to him by the Chairman.

§ 52.05-5 Function.

The function of the Board is to consider all applications properly before it together with all pertinent military records to determine whether an error has been made in the Coast Guard records, or whether, under normal standards of military law, administration, and practice, the subject of the application has suffered a wrong as the result of an error of omission or commission in his records, or through some manifest injustice in the treatment accorded him.

§ 52.05-10 Jurisdiction.

(a) The Board has jurisdiction to review and determine all matters properly brought before it, consistent with existing law and such directives as may be issued by the Secretary.

(b) No application will be considered until the applicant has exhausted all effective administrative remedies afforded under existing law or regulations, and such legal remedies as the Board may determine are practical and appropriately available to the applicant.

Subpart 52.10—Application for Correction

§ 52.10-1 General requirements.

(a) An application for correction of a Coast Guard record must be submitted on DD Form 149 (Application for Correction of Military or Naval Record) or an exact facsimile thereof, and should be addressed to: Executive Secretary, Board for Correction of Military Records of the Coast Guard, United States Department of Transportation, Washington, D.C. 20593. Forms and explanatory matter may be obtained from the Executive Secretary of the Board.

(b) The application shall be signed by the person requesting corrective action with respect to his record, except that the application may be made by a spouse, parent, heir, or legal representative for the purpose of bringing the matter before the Board when the record in question is that of a person who is incapable of making application himself, or whose whereabouts are unknown, or who is deceased. Where the application is not signed by the person requesting corrective action with respect to his record, it shall be accompanied by satisfactory evidence of (1) the death, incapacity, or unavailability of such person and (2) the relationship required of the person making application.

§ 52.10-5 Time limit for filing application.

An application for correction of a record must be filed within three years after discovery of the alleged error or injustice. An application filed

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after that time may not be accepted by the Board unless it finds that it would be in the interest of justice to do so. Reasons why its acceptance would be in the interest of justice should be set forth in the application.

Subpart 52.15—Consideration of Application, Denial of Relief, and Stay of Proceedings

§ 52.15-1 Consideration of application.

Each application and the available military records pertinent to the corrective action requested are reviewed by the Chairman to determine whether to deny relief pursuant to § 52.15-5, or to grant a hearing, or to recommend disposition on the merits without a hearing.

§ 52.15-5 Denial of relief.

(a) The Chairman, without requirement of Secretarial approval, may deny relief to an applicant:

- (1) Where the information or relevant evidence presented is insufficient to demonstrate probable material error or injustice;
- (2) Where effective relief cannot be granted by the Board;
- (3) Where the Board does not have jurisdiction to determine the matters presented; or
- (4) Where the application has not been timely filed under § 52.10-5 and the interest of justice does not require its acceptance.

Denial of relief under this section is without prejudice to further consideration in the event that new relevant evidence is submitted by the applicant or otherwise comes to the attention of the Board. Subsequent denials of relief on any application for any of the four reasons specified above are decided by the Board, without requirement of Secretarial approval.

(b) Where relief is denied under this section, written findings, conclusions, and recommendations are not required. The applicant is advised of the reasons for such denial and of any right he may have to further proceedings.

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§ 52.15-10 Stay of proceedings.

The application to the Board for correction of a record does not operate as a stay of any proceedings or administrative action being taken with respect to or affecting the person involved.

Subpart 52.20—Hearings

§ 52.20-1 Entitlement to hearing.

The applicant may request that he be permitted to appear before the Board in person or by counsel or in person with counsel. The Chairman grants a hearing whenever the application and the military record in question, together with any briefs, memoranda, or other documents theretofore received, show that a hearing would be likely to produce additional information material to the case.

§ 52.20-5 Denial of hearing.

If the Chairman determines that a hearing is not warranted, the applicant or his counsel is notified in writing that a hearing has been denied and is advised of the reasons therefor. The applicant may request the Board to reconsider the denial by submitting within 45 days after receiving notice of the denial, further documentary evidence to justify a hearing in the case. If the Board denies the request for reconsideration, the applicant or his counsel is notified in writing of the denial and the reasons therefor. The Board also sets forth the reasons for denial in its decision on the merits of the application.

§ 52.20-10 Notice of hearing.

(a) If the Chairman, or the Board upon reconsideration, determines that a hearing is warranted, the applicant or his counsel is notified in writing that a hearing has been granted, at that a time and place for the hearing will be set:

(1) Upon receipt by the Board of briefs, memoranda, or other documents the applicant or his counsel desires to submit in support of the application; or

(2) Upon being advised by the applicant or his counsel that no additional

documentary materials will be submitted.

(b) Written notice stating the time and place of the hearing is given to the applicant or his counsel and the Coast Guard upon the fulfillment of either of the conditions referred to in paragraph (a) of this section. The date of hearing may not be less than 30 days from the date of transmission of the written notice thereof, except that an earlier date may be set when the applicant waives his right to such 30 days' notice in writing and has actual notice of the time and place of the hearing.

§ 52.20-15 Postponement of hearing.

New issues may not be raised by legal briefs, memoranda, or other documentary evidence filed or submitted after the hearing date is set or at the hearing, except for good cause shown. If new issues are raised after the hearing date is set, upon good cause shown, the Board may postpone the hearing for such time as is necessary to allow sufficient time for review of additional materials. If a hearing is postponed, the Board notifies the applicant or his counsel and the Coast Guard in writing of the postponement and of a place and time for a new hearing.

§ 52.20-20 Nonappearance.

An applicant who notifies the Board in writing that he does not desire to be present or to be represented by counsel at a hearing, or who fails without good cause to appear in person or by counsel at the appointed time and place for hearing, is deemed to have waived his right to a hearing. His case is then considered by the Board on the basis of all the material of record.

Subpart 52.25—Counsel, Witnesses, and Expenses

§ 52.25-1 Counsel.

As used in this part, the term "counsel" includes members in good standing of any bar; accredited representatives of veterans' organizations recognized by the Administrator of Veterans Affairs under Title 38, U.S. Code, sec. 3402; and other persons who, in the opinion of the Board, are compe-

tent to represent the applicant for correction.

§ 52.25-5 Witnesses.

(a) In any case in which a hearing is authorized the applicant is permitted to present witnesses in his behalf.

(b) It is the responsibility of the applicant to notify his witnesses and to ensure their appearance at the time and place set for the hearing.

§ 52.25-10 Expenses.

No expenses of any nature whatsoever incurred by the applicant, his counsel, his witnesses, or any other person in his behalf may be paid by the Government.

Subpart 52.30—Procedure at Hearings

§ 52.30-1 Convening the Board.

The Board is convened at the call of the Chairman and recesses or adjourns at his order.

§ 52.30-5 Conduct of hearing.

(a) The Chairman conducts the hearing so as to insure a full and fair presentation of the evidence.

(b) The hearing is not limited by legal rules of evidence but reasonable bounds of competency, relevancy, and materiality are observed for the receipt and consideration of evidence.

(c) All testimony before the Board is given under oath or affirmation and witnesses are subject to examination by the Board.

§ 52.30-10 Procurement of evidence.

It is the responsibility of the applicant to procure such evidence, including official records, as he desires to present in support of his case.

§ 52.30-15 Access to official records.

The applicant shall have access to his official records or to any information pertaining to him which is in the custody of the Coast Guard as provided in 49 CFR Part 10. The applicant shall have access to other Coast Guard records as provided in 49 CFR Part 7.

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§ 52.30-20 Continuance.

The Board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

§ 52.30-25 Withdrawal.

The Board shall permit the applicant to withdraw his application at any time before a final determination by the Secretary. Any further consideration by the Board of the issues raised in the withdrawn application shall be given only upon a showing of good cause.

§ 52.30-30 Reporting.

The proceedings of the Board in open session are reported verbatim, and are transcribed at the discretion of the Board. The Board's deliberations are conducted in executive session and are not reported.

Subpart 52.35—Judgment and Disposition

§ 52.35-1 Deliberations and decision.

(a) Only members of the Board and its staff may be present during the deliberations of the Board.

(b) When it appears to the Board that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may request the applicant to obtain and submit, or may itself obtain, such further evidence as it considers essential to a complete and impartial understanding of the facts and issues involved. The applicant is given an opportunity to comment on any further evidence submitted to, or obtained by, the Board.

(c) In any case in which a hearing has not been held, the Board may accept any documentary evidence relevant to the matter under consideration submitted prior to final determination of the case by the Secretary. However, in any case in which a hearing has been held, the Board may not accept documentary evidence after the hearing which, by due diligence, could

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have been submitted prior to the hearing.

(d) Following the receipt of all evidence, the Board prepares a written decision containing its findings, conclusions, and recommendations with respect to the relief sought by the applicant or found by the Board to be appropriate. A majority vote of the members present on any matter before the Board constitutes the action of the Board and is so recorded.

(e) The decision of the Board specifies with particularity any change, correction, or modification of record that is to be made, and any other action deemed necessary to carry out the recommendations of the Board.

(f) Where the Board deems it necessary to submit a comment or recommendation to the Secretary as to a matter arising from, but not directly related to, the issues in a case, it does so by separate communication.

§ 52.35-5 Minority report.

In case of disagreement among members of the Board, a minority report on the Board's findings, conclusions, or recommendations may be submitted.

§ 52.35-10 Record of proceedings.

When the Board has completed its deliberations a complete record of the proceedings is prepared. The record includes the application for relief; a transcript of any testimony prepared for the Board; affidavits; papers, and documents considered by the Board; briefs and written arguments filed in the case; the findings, decisions, and recommendations of the Board; a minority report; and all other papers and documents necessary to reflect the true and complete history of the proceedings.

§ 52.35-15 Final action.

(a) *Final action by the Board.* The Board may take final action on behalf of the Secretary, under 10 U.S.C. 1552, as follows, provided that the Board acts unanimously:

(1) The Board may deny any application for the correction of military records.

(2) The Board may approve an application for the correction of military records in one of the following categories, unless the Chief Counsel of the Coast Guard, in submitting the views of the Coast Guard under § 52.45-5(c), states that the application involves a significant issue of Coast Guard policy:

- (i) An application to correct an enlistment or reenlistment contract or agreement to extend an enlistment for the purpose of effecting or increasing entitlement to a Selective Reenlistment Bonus;
- (ii) An application to modify an election to participate in the Survivor Benefit Plan;
- (iii) An application to change a reenlistment eligibility code;
- (iv) An application to correct the character of or reason for a discharge separation.

(3) The Board may approve any application for the correction of military records not falling into one of the categories in paragraph (a)(2) of this section, provided that the Chief Counsel of the Coast Guard recommends relief. The Board may not take final action under this subsection if the Chief Counsel recommends relief substantially different from that requested by the applicant.

(b) *Final action by the Secretary.* Except in cases where the Board takes final action under paragraph (a) of this section, the Board shall forward the record of its proceedings to the Secretary for approval, disapproval, or return for additional consideration. After taking final action, the Secretary returns the record to the Board for disposition.

48 FR 2525, Jan. 20, 1983]

52.35-20 Orders.

(a) The Board issues such orders or directives as may be necessary to carry out the decision of the Secretary.

(b) The addressees of such orders or directives shall submit a written report to the Board specifying the action taken and the date thereof.

(c) Unless doing so would nullify the relief granted, copies of the Secretary's decision and the Board's order shall be placed in the service record of the individual involved.

§ 52.35-25 Notification.

(a) Upon final determination of a case, the Board notifies the applicant or his counsel of the Secretary's decision.

(b) Subject to Departmental regulations implementing the Privacy Act of 1974 and the Freedom of Information Act, the Board transmits to the applicant or his counsel a copy of the Board's findings, decision and recommendation, and the applicant and his counsel may inspect the record of proceedings.

§ 52.35-30 Reconsideration.

(a) The recommendation of the Board, as approved, constitutes a final determination of the issues presented and considered.

(b) The Board grants an application for reconsideration of a final determination only if newly discovered evidence or information, not previously considered by the Board, is presented by the applicant or otherwise comes to the attention of the Board, and if the newly discovered evidence or information would, if true, result in a determination other than that originally made. The Board may refuse to consider evidence or information claimed to be newly discovered if it finds that such materials could have been presented to the Board prior to its original determination if the applicant or his counsel had exercised reasonable diligence.

(c) A denial of reconsideration must be approved by the Secretary.

Subpart 52.40—Payment of Claims

§ 52.40-1 Authority to pay.

(a) The Coast Guard is authorized to pay the claims of any person, his heir at law, or legal representative, for amounts paid as a fine, forfeiture, loss of pay (including retired or retirement pay), allowances, compensation, emolument, or other monetary benefit, as the case may be, and as the result of action heretofore or hereafter taken under 10 U.S.C. 1552.

(b) The Coast Guard is not authorized to pay any claim heretofore compensated by Congress through enactment of private law, or to pay any

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amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans Affairs.

§ 52.40-5 Procedures.

(a) In each case the Board transmits a certified copy of the Secretary's decision to proper Coast Guard authority for determination of monetary benefits due as a result of the action of the Board.

(b) Upon request, the claimant is required to furnish any information necessary to determine the proper parties to the claim for purposes of payment under applicable provisions of law.

(c) Appropriate records are examined in the light of the Secretary's decision of the purpose of determining all amounts which may be due. Amounts found due are subject, to the extent authorized by law or regulations, to set off in the amount of existing indebtedness to the Government arising from Coast Guard service.

(d) At the time of payment, the claimant is advised as to the nature and amount of the various benefits represented by the total settlement, and of the fact that acceptance of the settlement constitutes a complete release by the claimant of any claim against the United States on account of the correction of record ordered by the Board.

§ 52.40-10 Interpretation.

If the intent or import of the Secretary's decision is not clear with respect to payment, the decision shall be returned to the Board for clarification.

§ 52.40-15 Report of settlement.

When payment is made pursuant to the order of the Board, the Executive Secretary of the Board shall be notified in writing of the name of the person to whom payment was made and of the itemized amount of the payment.

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Subpart 52.45—Miscellaneous Provisions

§ 52.45-1 Staff assistance.

The Board may request such advice, opinion, assistance, or use of the facilities of any other bureau, board, or office of the Department of Transportation as may be deemed necessary.

§ 52.45-5 Request for information from the Coast Guard.

(a) The Board shall transmit to the Commandant a copy of each application for relief submitted under Subpart 52.10 that has not been denied pursuant to § 52.15-5, together with any briefs, memoranda, and documentary evidence submitted or obtained in the case.

(b) The Board may request the Coast Guard to submit any additional pertinent facts not disclosed in an application and its supporting documents.

(c) The Commandant may forward to the Board the written views of the Coast Guard on any case before the Board.

(d) A copy of each submission made by the Coast Guard under this section is given to the applicant or his legal representative who may rebut, if he wishes, the views of the Coast Guard contained therein.

(e) Information and views furnished by the Coast Guard under this section are not binding on the Board, but shall be considered by the Board along with all other information and material submitted in the particular case.

PART 54—ALLOTMENTS FROM ACTIVE DUTY PAY FOR CERTAIN SUPPORT OBLIGATIONS

Sec.

54.01 Purpose.

54.03 Persons authorized to give notice.

54.05 Form and contents of notice.

54.07 Service of notice upon designated Coast Guard official.

AUTHORITY: 42 U.S.C. 665(c).

SOURCE: CGD 82-109, 48 FR 4285, Jan. 1983, unless otherwise noted.

§ 54.01 Purpose.

This part prescribes procedures for State officials to notify the Coast Guard that a member on active duty is delinquent in meeting an obligation for child support alone, or both child and spousal support, in an amount equal to the support payable for two months or longer. Under 42 U.S.C. 665, an allotment may be taken from the pay and allowances of the member in this situation.

§ 54.03 Persons authorized to give notices.

For the purpose of instituting an allotment under this part, notice that a Coast Guard member is delinquent in meeting support obligations may be given by:

(a) Any agent or attorney of any State having in effect a plan approved under Part D of Title IV of the Social Security Act (42 U.S.C. 651-664), who has the duty or authority to seek recovery of any amounts owed as child or child and spousal support, including any official of a political subdivision when authorized under a State plan.

(b) The court that has authority to issue an order against the member for the support and maintenance of a child, or any agent of that court.

§ 54.05 Form and contents of notice.

(a) The notice required to institute an allotment under this part must be given in the form of a court order, letters, or other document issued by a person specified in § 54.03.

(b) The notice must:

(1) Provide the full name, social security number, and duty station of the member who owes the support obligation;

(2) Specify the amount of support due, and the period in which it has remained owing;

(3) Be accompanied by a certified copy of an order directing the payment of this support issued:

(i) By a court of competent jurisdiction, or;

(ii) In accordance with an administrative procedure which is established by State law, affords substantial due process, and is subject to judicial review;

(4) Provide the full name, social security number, and mailing address of the person to whom the allotment is to be paid;

(5) Identify the period in which the allotment is to remain in effect; and

(6) Identify the name and birth date of all children for whom support is to be provided under the allotment.

(c) Each notice must be accompanied by the following information:

(1) For each administrative order, a copy of all provisions of state law governing its issuance.

(2) For each court order and for each administrative order, if not stated in the support order:

(i) An explanation as to how personal jurisdiction was obtained over the member; and

(ii) A statement on the age of majority in the state law, with appropriate legal citations.

§ 54.07 Service of notice upon designated Coast Guard official.

The notice and all accompanying documentation must be sent to Commanding Officer (LGL), U.S. Coast Guard Pay and Personnel Center, Federal Building, 444 S.E. Quincy Street, Topeka, KS 66683-3591, (913)295-2520.

[CGD 82-109, 48 FR 4285, Jan. 31, 1983, as amended by CGD 88-052, 53 FR 25119, July 1, 1988]

SUBCHAPTER C—AIDS TO NAVIGATION

CROSS REFERENCE: Corps of Engineers, Department of the Army, see Chapter II of this title.

PART 60—[RESERVED]

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

Subpart A—General

Sec.

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- 62.3 Definition of terms.
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- 62.21 General.
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- 62.33 Information and regulatory marks.
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- 62.41 Ranges.
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- 62.59 Calibration service.
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Subpart D—Public Participation in the Aids to Navigation System

- 62.63 Recommendations.
- 62.65 Procedure for reporting defects and discrepancies.

AUTHORITY: 14 U.S.C. 85; 33 U.S.C. 1233; 43 U.S.C. 1333; 49 CFR 1.46.

SOURCE: CGD 86-031, 52 FR 42640, Nov. 6, 1987, unless otherwise noted.

Subpart A—General

§ 62.1 Purpose.

(a) The Coast Guard administers the U.S. Aids to Navigation System. The system consists of Federal aids to navigation operated by the Coast Guard, aids to navigation operated by the other armed services, and private aids to navigation operated by other persons.

(b) This part describes the general characteristics of the U.S. Aids to Navigation System, and the detailed policies and procedures employed by the Coast Guard in establishing, maintaining, operating, changing or discontinuing Federal aids to navigation. Regulations concerning the marking of wrecks, structures, and other obstructions are found in 33 CFR part 64. Regulations concerning private aids are found in 33 CFR part 66. Regulations concerning the marking of artificial islands and structures which are erected on or over the seabed or subsoil of the Outer Continental Shelf of the United States or its possessions are found in 33 CFR part 67. Regulations concerning the marking of bridges are found in 33 CFR part 111. Regulations concerning aids to navigation at deepwater ports are found in subchapter NN of this chapter.

(c) The Coast Guard maintains systems of marine aids to navigation consisting of visual, audible, and electronic signals which are designed to assist the prudent mariner in the process of navigation. The aids to navigation system is not intended to identify every shoal or obstruction to navigation which exists in the navigable waters of the United States, but rather provides for reasonable marking of marine features as resources permit. The primary objective of the aids to navigation system is to mark navigable channels and waterways, obstructions adjacent to these waterways, and obstructions in areas of general navigation which may not be anticipated. Other waters, even if navigable, are generally not marked.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.3 Definition of terms.

Certain terms as used in this subchapter are defined as follows:

(a) *Aid to Navigation*. The term aid to navigation means any device external to a vessel or aircraft intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(b) *Commerce*. The term commerce, in addition to general, national and international trade and commerce of the United States, includes trade and travel by seasonal passenger craft (marine and air), yachts, houseboats, fishing boats, motor boats, and other craft, whether or not operated for hire or profit.

(c) *Commandant*. The term Commandant means the Commandant of the Coast Guard.

(d) *District Commander*. The term District Commander means the commander of a Coast Guard District. Coast Guard Districts are listed in Part 3 of this chapter.

(e) *Corps of Engineers*. The term Corps of Engineers means the Corps of Engineers, Department of the Army.

(f) *Person*. The term person imparts both singular or plural, as the case demands, and includes any Federal Agency, State, Territory, possession, or public subdivision thereof, the District of Columbia, and any corporation, company, association, club, or other instrumentality.

(g) *Navigable Waters of the United States*. The term Navigable waters of the United States is defined in § 2.05-25(a) of this part.

§ 62.5 Marking of marine parades and regattas.

(a) The Coast Guard may establish aids to navigation to mark marine parades and regattas which are regulated by the Coast Guard for the purpose of protecting life and property, or to assist in the observance and enforcement of special regulations. For marine parade and regatta regulations, see Part 100 of this chapter.

Subpart B—The U.S. Aids to Navigation System

§ 62.21 General.

(a) The navigable waters of the United States are marked to assist navigation using the U.S. Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System. The IALA Maritime Buoyage System is followed by most of the world's maritime nations and will improve maritime safety by encouraging conformity in buoyage systems worldwide. IALA buoyage is divided into two regions made up of Region A and Region B. All navigable waters of the United States follow IALA Region B, except U.S. possessions west of the International Date Line and south of 10 degrees north latitude, which follow IALA Region A. Lateral aids to navigation in Region A vary from those described throughout this Subpart. Non-lateral aids to navigation are the same as those used in Region B. See § 62.25. Appropriate nautical charts and publications should be consulted to determine whether the Region A or Region B marking schemes are in effect for a given area.

(b) The U.S. Aids to Navigation System is designed for use with nautical charts. Nautical charts portray the physical features of the marine environment, including soundings and other submarine features, landmarks, and other aids necessary for the proper navigation of a vessel. This crucial information cannot be obtained from other sources, even ones such as topographic maps, aeronautical charts, or atlases. The exact meaning of an aid to navigation may not be clear to the mariner unless the appropriate chart is consulted, as the chart illustrates the relationship of the individual aid to navigation to channel limits, obstructions, hazards to navigation, and to the total aids to navigation system.

(c) The navigator should maintain and consult suitable publications and instruments for navigation depending on the vessel's requirements. This shipboard equipment is separate from

the aids to navigation system, but is often essential to its use. The following publications are available from the U.S. Government to assist the navigator:

(1) The Light List, published by the Coast Guard and available through the Government Printing Office or authorized sales agents, lists federal and private aids to navigation. It includes all major Federal aids to navigation and those private aids to navigation, which have been deemed to be important to general navigation, and includes a physical description of these aids and their locations.

(2) The United States Coast Pilot, published by the National Ocean Service and available through that agency or authorized nautical chart sales agents, supplements the information shown on nautical charts. Subjects such as local navigation regulations, channel and anchorage peculiarities, dangers, climatological data, routes, and port facilities are covered.

(3) Local Notices to Mariners are published by local Coast Guard District Commanders. Persons may be placed on the mailing list to receive local Notices by contacting the Aids to Navigation and Waterway Management Branch of the appropriate Coast Guard District. These notices pass information affecting navigation safety. Changes to aids to navigation, reported dangers, scheduled construction or other disruptions, chart corrections and similar useful marine information is made available through this publication.

(4) The Notice to Mariners is a national publication similar to the Local Notice to Mariners, published by the Defense Mapping Agency, and available by writing: Director, Defense Mapping Agency, Combat Support Center, Code PMSA, Washington, DC 20315-0010. A letter of justification should be included in the request. This publication provides ocean going vessels significant national and international navigation and safety information.

(5) The mariner should also listen to Coast Guard Broadcast Notices to Mariners. These broadcasts update the Local Notice to Mariners with more timely information. Mariners should

monitor VHF-FM channel 16 to local Coast Guard Marine Information Broadcasts.

(d) The U.S. Aids to Navigation System is primarily a lateral system which employs a simple arrangement of colors, shapes, numbers, and light characteristics to mark the limits of navigable routes. This lateral system is supplemented by nonlateral aids to navigation where appropriate.

(e) Generally, lateral aids to navigation indicate on which side of a vessel an aid to navigation should be passed when the vessel is proceeding in the Conventional Direction of Buoyage. Normally, the Conventional Direction of Buoyage is the direction in which a vessel enters navigable channels from seaward and proceeds towards the head of navigation. In the absence of a route leading from seaward, the Conventional Direction of Buoyage generally follows a clockwise direction around land masses. For example, proceeding southerly along the Atlantic Coast, from Florida to Texas along the Gulf Coast, and northerly along the Pacific Coast are considered as proceeding in the Conventional Direction of Buoyage. In some instances, this direction must be arbitrarily assigned. Where doubt exists, the mariner should consult charts and other nautical publications.

(f) Although aids to navigation are maintained to a reasonable degree of reliability, the rigors of the marine environment and various equipment failures do cause discrepancies on occasion.

(g) The Coast Guard makes reasonable efforts to inform the navigator of known discrepancies, and to correct them within a reasonable period of time, depending upon resources available. Occasionally, a temporary aid to navigation, which provides different but similar service, is deployed until permanent repairs can be made to the original aid. Notification of such temporary changes is made through the notice to mariners system.

(h) Until 1994, some private aids to navigation may display characteristics at variance with the U.S. Aids to Navigation System. Mariners should exercise caution when using private aids to navigation because private aids are

often established to serve the needs of specific users rather than general navigation and their purpose may not be obvious to casual users; and, discrepancies to private aids are often detected, reported, and corrected less promptly than discrepancies to Coast Guard aids to navigation.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.23 Beacons and buoys.

(a) Aids to navigation are placed on shore or on marine sites to assist a navigator to determine his position or safe course. They may mark limits of navigable channels, or warn of dangers or obstructions to navigation. The primary components of the U.S. Aids to Navigation System are beacons and buoys.

(b) Beacons are aids to navigation structures which are permanently fixed to the earth's surface. They range from large lighthouses to small, single-pile structures and may be located on land or in the water. Lighted beacons are called lights; unlighted beacons are called daybeacons.

(1) Beacons exhibit a daymark. For small structures these are colored geometric shapes which make an aid to navigation readily visible and easily identifiable against background conditions. Generally, the daymark conveys to the mariner, during daylight hours, the same significance as does the aid's light or reflector at night. The daymark of large lighthouses and towers, however, consists of the structure itself. As a result, these daymarks do not infer lateral significance.

(2) Vessels should not pass beacons close aboard due to the danger of collision with rip-rap or structure foundations, or the obstruction or danger that the aid marks.

(c) Buoys are floating aids to navigation used extensively throughout U.S. waters. They are moored to the seabed by sinkers with chain or other moorings of various lengths.

(1) The daymark of a buoy is the color and shape of the buoy and, if so equipped, of the topmark.

(i) Can buoys have a cylindrical shape.

(ii) Nun buoys have a tapered, conical shape.

(iii) Pillar buoys have a wide cylindrical base supporting a narrower superstructure. They may be surmounted by colored shapes called topmarks.

(iv) Spherical buoys have a round shape.

(2) Mariners attempting to pass a buoy close aboard risk collision with a yawing buoy, the buoy's mooring, or with the obstruction which the buoy marks.

(3) Mariners should not rely on buoys alone for determining their positions due to factors limiting their reliability. Prudent mariners will use bearings or angles from beacons or other landmarks, soundings, and various methods of electronic navigation. Buoys vary in reliability because:

(i) Buoy positions represented on nautical charts are approximate positions only, due to practical limitations in positioning and maintaining buoys and their sinkers in precise geographical locations.

(ii) Buoy moorings vary in length. The mooring lengths define a "watch circle", and buoys can be expected to move within this circle. Actual watch circles do not coincide with the dots or circles representing them on charts.

(iii) Buoy positions are normally verified during periodic maintenance visits. Between visits, environmental conditions, including atmospheric and sea conditions, and seabed slope and composition, may shift buoys off their charted positions. Also buoys may be dragged off station, sunk, or capsized by a collision with a vessel.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987; CGD 86-031, 52 FR 46351, Dec. 5, 1987]

§ 62.25 Lateral marks.

(a) Lateral marks define the port and starboard sides of a route to be followed. They may be either beacons or buoys.

(b) Sidemarks are lateral marks which advise the mariner to stay to one side of the mark. Their most frequent use is to mark the sides of channels; however, they may be used individually to mark obstructions outside of clearly defined channels. Sidemarks are not always placed directly on a

channel edge and may be positioned outside the channel as indicated on charts and nautical publications.

(1) Port hand marks indicate the left side of channels when proceeding in the Conventional Direction of Buoyage. Beacons have green square daymarks, while buoys are green can or pillar buoys.

(2) Starboard hand marks indicate the right side of channels when proceeding in the Conventional Direction of Buoyage. Beacons have red triangular daymarks, while buoys are red nun or pillar buoys.

(c) Preferred channel marks indicate channel junctions or bifurcations and may also mark wrecks or obstructions which the mariner, after consulting a chart to ascertain the location of the obstruction relative to the aid, may pass on either side. Preferred channel marks have red and green horizontal bands with the color of the topmost band indicating the preferred channel. If the topmost band is green, the mark serves as a port hand mark for vessels following the preferred channel proceeding in the Conventional Direction of Buoyage, and as a starboard hand mark for the other channel. Beacons would have square daymarks, while buoys would be can or pillar buoys. If the topmost band is red, the mark serves as a starboard hand mark for vessels following the preferred channel proceeding in the Conventional Direction of Buoyage, and a port hand mark for the other channel. Beacons would have triangular daymarks, while buoys would be nun or pillar buoys.

(d) The above color schemes apply to IALA Region B. Marks located in the IALA Region A exhibit reversed color significance: port hand marks will be red when following the Conventional Direction of Buoyage, and starboard hand marks will be green. The meaning of daymark and buoy shapes is identical in both regions.

(e) Certain marks on the Intracoastal Waterway may exhibit reversed lateral significance. See § 62.49.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.27 Safe water marks.

Safe water marks indicate that there is navigable water all around the mark. They are often used to indicate fairways or midchannels, or the seaward end of channels. Safe water marks are colored with red and white vertical stripes. Beacons have an octagonal daymark; red and white buoys are spherical or display a red spherical topmark.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.29 Isolated Danger Marks.

Isolated Danger Marks indicate an isolated danger which may be passed on all sides. As these marks are erected or moored on or near dangers, they should not be approached closely without special caution. These marks are colored black with one or more broad horizontal red bands and are equipped with a topmark of two black spheres, one above the other.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.31 Special Marks.

Special marks are not primarily intended to assist safe navigation, but indicate special areas or features referred to in charts or other nautical publications. They may be used, for example, to mark anchorages, cable pipeline areas, traffic separation schemes, military exercise zones, ocean data acquisition systems, etc. Special marks are colored solid yellow.

§ 62.33 Information and regulatory marks.

Information and Regulatory Marks are used to alert the mariner to various warnings or regulatory matters. These marks have orange geometric shapes against a white background. The meanings associated with the orange shapes are as follows:

(a) A vertical open-faced diamond signifies danger.

(b) A vertical diamond shape having a cross centered within indicates that vessels are excluded from the marked area.

(c) A circular shape indicates that certain operating restrictions are in effect within the marked area.

(d) A square or rectangular shape will contain directions or instructions lettered within the shape.

§ 62.35 Mooring buoys.

Mooring Buoys are white with a blue horizontal band. This distinctive color scheme is recommended to facilitate identification and to avoid confusion with aids to navigation.

§ 62.37 Lighthouses.

Lighthouses are prominent beacons of varying size, color, and appearance employed to mark headlands, landfalls, harbor entrances, channel edges, hazards, and other features. While normally identified by their distinctive appearance, some lighthouses display diamond shaped, checkered daymarks to facilitate recognition.

§ 62.39 Large navigational buoys.

Large Navigational Buoys (LNB's) may be considered floating light-houses. They generally provide light, sound, and radiobeacon signals, and some are equipped with radar beacons (racons). LNB's are red in color, have a forty foot diameter hull, and a tower approximately forty feet in height.

§ 62.41 Ranges.

Ranges are aids to navigation systems employing dual beacons which, when the structures appear to be in line, assist the mariner in maintaining a safe course. The appropriate nautical chart must be consulted when using ranges to determine whether the range marks the centerline of the navigable channel and also to ascertain what section of the range may be safely traversed. Ranges are generally, but not always, lighted, and display rectangular daymarks of various colors.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987; CGD 86-031, 52 FR 46351, Dec. 5, 1987]

§ 62.43 Numbers and letters.

(a) All solid red and solid green aids are numbered, with red aids bearing even numbers and green aids bearing odd numbers. The numbers for each

increase in the Conventional Direction of Buoyage. Numbers are kept in approximately sequence on both sides of the channel by omitting numbers where necessary.

(b) Only sidemarks are numbered. However, aids other than those mentioned above may be lettered to assist in their identification, or to indicate their purpose. Sidemarks may carry letters in addition to numbers to identify the first aid to navigation in a waterway, or when new aids to navigation are added to channels with previously completed numerical sequences. Letters on sidemarks will follow alphabetical order from seaward and proceeding toward the Conventional Direction of Buoyage and will be added to numbers as suffixes.

(c) Aids to navigation may be fitted with light-reflecting material to increase their visibility in darkness. The colors of this material may convey the same significance as the aid except that letters and numbers may be white.

(d) Exceptions to the provisions of this section will be found on the Western Rivers System. See § 62.51.

(e) The guidelines for the display of numbers and letters on aids to navigation are identical for both Region A and Region B; red aids to navigation display even numbers, and green aids display odd numbers.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.45 Light characteristics.

(a) Lights on aids to navigation are differentiated by color and rhythm. Lighthouses and range lights may display distinctive light characteristics to facilitate recognition. No special significance should be attached to the color or rhythm of such lights. Other lighted aids to navigation employ light characteristics to convey additional information.

(b) When proceeding in the Conventional Direction of Buoyage, aids to navigation, if lighted, display light characteristics as follows:

(1) Green lights mark port (left) sides of channels and locations of wrecks or obstructions which are to be

passed by keeping these lights on the port (left) hand of a vessel. Green lights are also used on Preferred Channel Marks where the topmost band is green.

(2) Red lights mark starboard (right) sides of channels and locations of wrecks or obstructions which are to be passed by keeping these lights on the starboard (right) hand of a vessel. Red lights are also used on Preferred Channel Marks where the topmost band is red.

(3) Certain lights marking the Intracoastal Waterway may display reversed lateral significance. See § 62.49.

(c) Yellow lights have no lateral significance. Except on the Western Rivers, see § 62.51, white lights have no lateral significance. The purpose of aids exhibiting white or yellow lights may be determined by their shape, color, letters or numbers, and the light rhythm employed.

(d) Light rhythms, except as noted in § 62.51 for the Western Rivers, are employed as follows:

(1) Aids with lateral significance display regularly flashing or regularly occulting light rhythms. Ordinarily, flashing lights (frequency not exceeding 30 flashes per minute) will be used.

(2) Preferred Channel Marks display a composite group flashing light rhythm (groups of two flashes followed by one flash).

(3) Safe Water Marks display a white Morse Code "A" rhythm (short-long flash).

(4) Isolated Danger Marks display a white group flashing two.

(5) Special Marks display yellow lights with fixed or slow flashing rhythm preferred.

(6) Information and Regulatory Marks display white lights of various rhythms.

(7) For situations where lights require a distinct cautionary significance, as at sharp turns, sudden channel constrictions, wrecks, or obstructions, a quick flashing light rhythm (60 flashes per minute) may be used.

(e) Occasionally lights use sectors to mark shoals or warn mariners of other dangers. Lights so equipped show one color from most directions and a different color or colors over definite arcs of the horizon as indicated on the ap-

propriate nautical chart. These sectors provide approximate bearing information since the observer should note a change of color as the boundary between the sectors is crossed. As sector bearings are not precise, they should be considered a warning only and not used to determine exact bearing to the light.

(f) Aids to navigation may be fitted with light-reflecting material to increase their visibility in darkness. Green or red reflective material is used only on marks which, if lighted, would exhibit a light of that color. Yellow reflective material is used on special marks and on Intracoastal Waterway marks. No significance is attached to white reflective material.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.47 Sound signals.

(a) Often sound signals are located on or adjacent to aids to navigation. When visual signals are obscured, sound signals warn mariners of the proximity of danger.

(1) Sound signals are distinguished by their tone and phase characteristics.

(i) Tones are determined by the devices producing the sound (i.e., diaphones, diaphragm horns, reed horns, sirens, whistles, bells and gongs).

(ii) Phase characteristics are defined by the signal's sound pattern, i.e., the number of blasts and silent periods per minute and their durations. Sound signals emanating from fixed structures generally produce a specific number of blasts and silent periods each minute when operating. Buoy sound signals are generally actuated by the motion of the sea and therefore do not emit a regular signal characteristic.

(2) Where no live watch is maintained, sound signals are normally operated continuously. However, some are equipped with fog detectors which activate sound signals when visibility falls below a predetermined limit.

(b) Mariners should not rely solely on sound signals to determine their positions for the following reasons:

(1) Distance cannot be accurately determined by sound intensity.

(2) Occasionally sound signals may not be heard in areas close to their location.

(3) Signals may not sound in cases where fog exists close to, but not at, the location of the sound signal.

(4) As buoy signals are generally activated by sea motion, they may produce no signals when seas are calm.

(5) As previously noted, buoy positions are not always reliable. Therefore their sound signals cannot be assumed to be emanating from a fixed position.

§ 62.49 Intracoastal Waterway identification.

(a) In addition to the conventional signals, aids to navigation marking the Intracoastal Waterway exhibit unique yellow symbols to distinguish them from aids marking other waters.

(1) Yellow triangles indicate that aids to navigation so marked should be passed keeping them on the starboard (right) hand of a vessel, regardless of the aid's number, color, or light color.

(2) Yellow squares indicate that aids to navigation so marked should be passed keeping them on the port (left) hand of a vessel, regardless of the aid's number, color, or light color.

(3) A horizontal yellow band provides no lateral information, but simply identifies aids to navigation as marking the Intracoastal Waterway.

(b) The above guidelines apply for vessels traversing the Intracoastal Waterway in a southerly direction on the Atlantic Coast, in a westerly direction on the Okeechobee Waterway, or in a westerly direction along the Gulf Coast.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987; CGD 86-031, 52 FR 46351, Dec. 5, 1987]

§ 62.51 Western Rivers Marking System.

(a) A variation of the standard U.S. aids to navigation system described above is employed on the Mississippi River and tributaries above Baton Rouge, LA and on certain other rivers which flow toward the Gulf of Mexico.

(b) The Western Rivers System varies from the standard U.S. system as follows:

(1) Buoys are not numbered.

(2) Numbers on beacons do not have odd/even lateral significance but,

rather, indicate mileage from a fixed point (normally the river mouth).

(3) Diamond shaped crossing daymarks, solid red or solid green as appropriate, are used instead of triangular or square lateral daymarks where the river channel crosses from one bank to the other.

(4) Lights on green buoys and on beacons with green daymarks show a single flash which may be green or white.

(5) Lights on red buoys and on beacons with red daymarks show a double flash (Group Flashing (2)) which may be red or white.

(6) Isolated danger marks are not used.

§ 62.53 Racons.

(a) Aids to navigation may be enhanced by the use of radar beacons (racons). Racons, when triggered by a radar signal, will transmit a coded reply to the interrogating radar. This reply serves to identify the aid station by exhibiting a series of dots and dashes which appear on the radar display in a line emanating radially from just beyond the echo of the aid station. Although racons may be used on both laterally significant and non-laterally significant aids alike, the racon signal itself is for identification purposes only, and therefore carries no lateral significance.

(b) Racons are also used as bridge marks to mark the best point of passage.

Subpart C—Maritime Radiobeacons

§ 62.55 General.

Maritime radiobeacons operate during specific intervals as published in Coast Guard Light Lists. For station identification, simple characteristics consisting of combinations of dots and dashes are used. The characteristics of marker-beacons are composed of series of dashes for part of a 15 second cycle, which is followed by a silent period to complete the cycle. The transmitted power of maritime radiobeacons is adjusted to provide a useable signal at the service range which meets the operational requirement. Marker-beacons are of low

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power for local use only. Coast Guard maritime radiobeacons operate within the frequency band 275-335 kilohertz.

§ 62.57 Carrier type operation.

Radiobeacons superimpose the characteristic code on a carrier frequency which is on continuously during the period of transmission. This extends the usefulness of maritime radiobeacons to aircraft and ships employing automatic direction finders.

§ 62.59 Calibration service.

Special calibration radiobeacons, as listed in the current editions of the Coast Guard Light Lists, will broadcast continuously for the purpose of enabling vessels to calibrate their direction finders upon request either to the cognizant District Commander, or, if time does not permit, directly to the calibration station. Signals for requesting calibration service are described in the current editions of the Coast Guard Light Lists. In the case of sequenced radiobeacon stations, continuous transmission for calibration purposes cannot be made without interference resulting with other stations in the same frequency group.

§ 62.61 Caution.

(a) A vessel steering a course for a radiobeacon should observe the same precautions that apply when steering for a light or any other mark.

(b) Distance cannot be accurately determined by radiobeacon signal. Mariners must exercise extreme caution when the aid to navigation which supports the radiobeacon is not visible, and no other means of determining its distance is available.

(c) If the radiobeacon is aboard a Large Navigational Buoy (LNB) or on any marine site, particular care should be exercised to avoid the possibility of collision. In addition, caution should be exercised in using radiobeacons aboard floating aids, because of the possibility that the aid could be off station.

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Subpart D—Public Participation in Aids to Navigation System

§ 62.63 Recommendations.

(a) The public may recommend changes to existing aids to navigation, request new aids or the discontinuation of existing aids, and report no longer necessary for maritime safety. These recommendations should be sent to the appropriate District Commander.

(b) Recommendations, requests, and reports should be documented with as much information as possible to justify the proposed action. Desirable information includes:

(1) Nature of the vessels which visit the area(s) in the question, including type, displacement, draft, number of passengers and crew.

(2) Where practicable, the kind of navigating devices used aboard vessels (e.g. magnetic or gyro compasses, radio direction finders, radar, loran, and searchlights).

(3) A chartlet or sketch describing the actual or proposed location of aid(s), and a description of the aid requested or recommended.

§ 62.65 Procedure for reporting discrepancies and discrepancies.

(a) Mariners should notify the nearest Coast Guard facility immediately of any observed aids to navigation which are defective or discrepancies.

(b) The Coast Guard cannot monitor the many thousands of aids in the Aids to Navigation System simultaneously and continuously. As a result, it is not possible to maintain every aid operating properly and on its designated position at all times. Marine safety will be enhanced if persons find aids missing, sunk, capsized, damaged, off station, or showing characteristics other than those advertised in the Light List, or other publications. They should promptly inform the Coast Guard. When making the report to the Coast Guard the mariner should consult the Light List to ensure the correct geographical information is used due to the similarity of names and geographical areas.

(c) Procedures for reporting discrepancies and discrepancies:

(1) Radio messages should be prefixed "Coast Guard" and transmitted directly to a Government shore radio station listed in Chapter five, Section 500D of Radio Navigational Aids Publication, 117A and 117B, for relay to the relevant District Commander.

(2) Radio-telegraph communication may be established by using the general call "NCG" on the 500 kilohertz frequency.

(3) Commercial communications facilities should be used only when vessels are unable to contact a Government shore radio station. Charges for these messages will be accepted "collect" by the Coast Guard.

PART 64—MARKING OF STRUCTURES, SUNKEN VESSELS AND OTHER OBSTRUCTIONS

Subpart 64.01—General

Sec.

64.01-1 Purpose.

64.01-3 Scope.

64.01-6 Definition of terms.

Subpart 64.10—Sunken Vessels and Other Obstructions

64.10-1 Marking and notification requirements.

64.10-3 Approval of markings.

64.10-6 Duration of marking on sunken vessels in navigable waters.

Subpart 64.20—Structures

64.20-1 Marking and notification requirements.

64.20-3 Duration of marking on structures.

Subpart 64.30—Miscellaneous Provisions

64.30-1 Determination of marking necessity.

64.30-3 Marking by the Coast Guard.

AUTHORITY: 14 U.S.C. 81, 83, 85, 86, 92, 93; 33 U.S.C. 409; Pub. L. 90-320, 94 Stat. 974 (42 U.S.C. 9118); 43 U.S.C. 1333; 49 CFR 1.46(b).

SOURCE: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted.

Subpart 64.01—General

§ 64.01-1 Purpose.

This part prescribes rules relating to the marking of structures, sunken ves-

sels and other obstructions for the protection of maritime navigation.

§ 64.01-3 Scope.

(a) Except as provided in paragraph (b) of this section these rules apply to:

(1) Structures located in or over waters subject to the jurisdiction of the United States and, on the high seas, structures owned or operated by persons subject to the jurisdiction of the United States;

(2) Sunken vessels in the navigable waters or waters above the continental shelf of the United States; and

(3) Other obstructions existing on or in the navigable waters or waters above the continental shelf of the United States.

(b) The following obstructions are exempt from the requirements of this part:

(1) Dredging pipelines subject to Subchapter D of this chapter;

(2) Bridges subject to Subchapter J of this chapter;

(3) Vessels subject to the International Regulations for preventing Collisions at Sea, 1972 (1972 COLREGS) or the Inland Navigation Rules;

(4) Deepwater port facilities subject to subchapter NN of this chapter; and

(5) Artificial islands and structures subject to Part 67 of this subchapter.

§ 64.01-6 Definition of terms.

As used in this part:

"Markings" means the lights and other signals placed on or near structures, sunken vessels, and other obstructions for the protection of navigation.

"Structures" means any fixed or floating obstruction, intentionally placed in the water, which may interfere with or restrict marine navigation.

Subpart 64.10—Sunken Vessels and Other Obstructions

§ 64.10-1 Marking and notification requirements

(a) The owner of a vessel, raft or other craft wrecked and sunk in a navigable channel is required by 33 U.S.C. 409 to mark it immediately with a buoy or daymark during the day and

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with a light at night. The courts have interpreted the statute very broadly, holding that it is not to be applied to vessels only and that "navigable channel" is not limited to those channels marked by buoys or other aids to navigation. Sunken vessels and other obstructions should be marked whenever they constitute a hazard to navigation.

(b) Owners of vessels sunk in waters subject to the jurisdiction of the United States or sunk on the high seas, if the owner is subject to the jurisdiction of the United States, shall promptly report to the District Commander, in whose jurisdiction the obstruction is located, the action they are taking to mark the sunken vessel, giving the following information (in addition to the report required by 46 CFR 4.05-1, Notice of Marine Casualty):

(1) Name and description of the sunken vessel;

(2) Accurate description of the location of the vessel;

(3) Depth of water over the vessel; and

(4) Location and type of marking established, including color and shape of buoy or other daymark and characteristic of the light.

(c) Owners of other obstructions may report the existence of such obstructions and mark them in the same manner as prescribed for sunken vessels.

NOTE: Outer Continental Shelf (OCS) lessees are subject to additional notification requirements provided in OCS Order No.1, paragraph 4 (44 FR 76216, December 21, 1979), issued by U.S. Geological Survey.

§ 64.10-3 Approval of markings.

(a) All markings of sunken vessels and other obstructions established in accordance with § 64.10-1 must be reported to and approved by the appropriate District Commander.

(b) Should the District Commander determine that these markings are inconsistent with Part 62 of this subchapter, they must be replaced as soon as practicable with approved markings.

§ 64.10-6 Duration of marking on sunken vessels in navigable waters.

Markings shall be maintained until:

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(a) The sunken vessel or other obstruction is removed; or

(b) The right of the owner to abandon is legally established and exercised.

NOTE: Notices of abandonment of sunken vessels or other obstructions will not be accepted by the Coast Guard. Any notice of intention to abandon should be addressed to the District Engineer, Corps of Engineers, U.S. Army, within whose district the sunken vessel or other obstruction is located.

Subpart 64.20—Structures

§ 64.20-1 Marking and notification requirements.

Before establishing a structure, the owner or operator shall apply for Coast Guard authorization to mark the structure in accordance with § 66.01-5 of this chapter. The appropriate District Commander will determine the marking requirements.

§ 64.20-3 Duration of marking on structures.

Markings determined to be required shall be established and maintained until:

(a) The structure is removed; or

(b) Otherwise directed by the District Commander.

Subpart 64.30—Miscellaneous Provisions

§ 64.30-1 Determination of marking necessity.

(a) In determining the necessity of marking for the protection of maritime navigation, the District Commander considers, but is not limited to, the following:

(1) Physical characteristics of the obstruction;

(2) Depth of water in which it is located;

(3) Proximity of the obstruction to historic or designated vessel routes;

(4) Proximity of the obstruction to other obstructions or aids to navigation; and

(5) Type of vessel traffic at the obstruction site.

66.03-3 Marking by the Coast Guard.

(a) The District Commander may mark for the protection of maritime navigation any structure, sunken vessel or other obstruction that is not suitably marked by the owner. Markings established by the Coast Guard do not relieve the owner's duty or responsibility to mark the sunken vessel or other obstruction, or to remove it as required by law.

(b) Costs for markings established by the Coast Guard will be determined in accordance with Part 74 of this chapter.

(c) Costs for marking of a sunken vessel or other obstruction shall be charged to the owner and shall continue until:

(1) The vessel or other obstruction is removed;

(2) The right of the owner to abandon is legally established and has been exercised; or

(3) The District Commander directs otherwise.

NOTE: When the needs of navigation permit, the owner may be given reasonable opportunity to establish and maintain the necessary markings.

PART 66—PRIVATE AIDS TO NAVIGATION

Subpart 66.01—Aids to Navigation Other Than Federal or State

- 66.01-1 Basic provisions.
- 66.01-3 Delegation of authority to District Commanders.
- 66.01-5 Application procedure.
- 66.01-10 Characteristics.
- 66.01-15 Action by Coast Guard.
- 66.01-20 Inspection.
- 66.01-25 Discontinuance and removal.
- 66.01-30 Corps of Engineers' approval.
- 66.01-40 Exemptions.
- 66.01-45 Penalties.
- 66.01-50 Protection of private aids to navigation.
- 66.01-55 Transfer of ownership.

Subpart 66.05—State Aids to Navigation

- 66.05-1 Purpose.
- 66.05-5 Definition of terms used in this subpart and Subpart 66.10.

Sec.

66.05-10 State waters for private aids to navigation; designations; revisions, and revocations.

66.05-20 Coast Guard-State agreements.

66.05-25 Change and modification of State aids to navigation.

66.05-30 Notice to Mariners.

66.05-35 Private aids to navigation other than State owned.

66.05-40 Corps of Engineers' approval.

66.05-100 Designation of navigable waters as State waters for private aids to navigation.

Subpart 66.10—Uniform State Waterway Marking System

66.10-1 General.

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66.10-10 Geometric shapes and wording on regulatory markers.

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66.10-20 Size, shape, material and construction of markers.

66.10-25 Numbers, letters or words on markers.

66.10-30 Reflectors or retroreflective materials.

66.10-35 Navigation lights.

66.10-40 Ownership identification.

66.10-45 Mooring (anchor) buoys.

AUTHORITY: 14 U.S.C. 83, 85; 43 U.S.C. 1333; 49 CFR 1.46.

Subpart 66.01—Aids to Navigation Other Than Federal or State

SOURCE: CGFR 68-152, 33 FR 19816, Dec. 27, 1968, unless otherwise noted.

§ 66.01-1 Basic provisions.

(a) No person, public body or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, shall establish and maintain, discontinue, change or transfer ownership of any aid to maritime navigation, without first obtaining permission to do so from the Commandant.

(b) For the purposes of this subpart, the term private aids to navigation includes all marine aids to navigation operated in the navigable waters of the United States other than those operated by the Federal Government (Part 62 of this subchapter) or those operated in State waters for private aids to navigation (Subpart 66.05).

(c) Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights,

nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State or local laws or regulations.

(d) With the exception of radar beacons (racons) and shore based radar stations, operation of electronic aids to navigation as private aids will not be authorized.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986]

§ 66.01-3 Delegation of authority to District Commanders.

(a) Pursuant to the authority in 49 CFR 1.4(g), the Commandant delegates to the District Commanders within the confines of their respective districts (see Part 3 of this chapter for descriptions) the authority to grant permission to establish and maintain, discontinue, change or transfer ownership of private aids to maritime navigation, and otherwise administer the requirements of this subpart.

(b) The decisions of the District Commander may be appealed within 30 days from the date of decision. The decision of the Commandant in any case is final.

§ 66.01-5 Application procedure.

Application to establish and maintain, discontinue, change, or transfer ownership of a private aid to navigation shall be made to the Commander of the Coast Guard District in which the private aid to navigation is or will be located. Application forms (CG-2554) will be provided upon request. The applicant shall complete all parts of the form applicable to the aid to navigation concerned, and shall forward the application in triplicate to the District Commander. The following information is required:

(a) The proposed position of the aid to navigation by two or more horizontal angles, or bearings and distance from charted landmarks. A section of chart or sketch showing the proposed location of the aid to navigation shall be included.

(b) The name and address of the person at whose expense the aid will be maintained.

(c) The name and address of the person who will maintain the aid to navigation.

(d) The time and dates during which it is proposed to operate the aid.

(e) The necessity for the aid.

(f) For lights: The color, characteristic, height above water, and description of illuminating apparatus.

(g) For fog signals: Type (whistle, horn, bell, etc.) and characteristic.

(h) For buoys or daybeacons: Shape, color, number, or letter, depth of water in which located or height above water.

(i) For racons: Manufacturer's model number of racon, height above water of desired installation, and requested coding characteristic. Equipment must have FCC authorization.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986]

§ 66.01-10 Characteristics.

(a) The characteristics of a private aid to navigation shall conform to the United States Aids to Navigation System described in Subpart B of Part 62 of this subchapter, except that tungsten-incandescant light sources will be approved for electric lights.

(b) Owners of previously authorized but nonconforming, private aids to navigation must bring such aids into conformance with the U.S. Aids to Navigation System no later than December 31, 1993.

[CGD 86-031, 52 FR 42645, Nov. 6, 1987]

§ 66.01-15 Action by Coast Guard.

(a) The District Commander receiving the application will review it for completeness and will assign the aid to one of the following classifications:

Class I: Aids to navigation on man-made structures or other works which the owners are legally obligated to establish, maintain and operate as prescribed by the Coast Guard.

Class II: Aids to navigation exclusive of Class I located in waters used for general navigation.

Class III: Aids to navigation exclusive of Class I located in waters not ordinarily used by general navigation.

(b) Upon approval by the District Commander, a signed copy of the

application will be returned to the applicant. Approval for the operation of radar beacons (racons) will be effective for an initial two year period, then subject to annual review without further submission required of the owner.

[CGFR 66-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986]

§ 66.01-20 Inspection.

All classes of private aids to navigation shall be maintained in proper operating condition. They are subject to inspection by the Coast Guard at any time and without prior notice.

§ 66.01-25 Discontinuance and removal.

(a) No person, public body or instrumentality shall change, move or discontinue any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) without first obtaining permission to do so from the District Commander.

(b) Any authorized private aid to navigation not required by statute or regulation (Classes II and III, § 66.01-15) may be discontinued and removed by the owner after 30 days' notice to the District Commander to whom the original request for authorization for establishment of the aid was submitted.

(c) Private aids to navigation which have been authorized pursuant to this part shall be discontinued and removed without expense to the United States by the person, public body or instrumentality establishing or maintaining such aids when so directed by the District Commander.

§ 66.01-30 Corps of Engineers' approval.

(a) Before any private aid to navigation consisting of a fixed structure is placed in the navigable waters of the United States, authorization to erect such structure shall first be obtained from the District Engineer, U.S. Army Corps of Engineers in whose district the aid will be located.

(b) The application to establish any private aid to navigation consisting of a fixed structure shall show evidence of the required permit having been issued by the Corps of Engineers.

§ 66.01-40 Exemptions.

(a) Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the marking of structures, vessels and other obstructions sunken in waters subject to the jurisdiction of the United States (Part 64 of this subchapter), the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf (Part 67 of this subchapter), or the lighting of bridges over navigable waters of the United States (Subchapter J of this subchapter).

(b) Persons marking bridges pursuant to Subchapter J of this title are exempted from the provisions of § 66.01-5.

[CGD 78-156, 48 FR 11268, Mar. 17, 1983]

§ 66.01-45 Penalties.

Any person, public body or instrumentality, excluding the armed forces, who shall establish, erect or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard, with the exception of those established in accordance with § 64.10 of this chapter, or who shall violate the regulations relative thereto issued in this part, is subject to the provisions of 14 U.S.C. 83.

[CGD 78-156, 48 FR 11268, Mar. 17, 1983]

§ 66.01-50 Protection of private aids to navigation.

Private aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstruction as is afforded by law to Coast Guard aids to navigation (Part 70 of this subchapter). If interference or obstruction occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are located.

§ 66.01-55 Transfer of ownership.

(a) When any private aid to navigation authorized by the District Commander, or the essential real estate or facility with which the aid is associated, is sold or transferred, both parties

to the transaction shall submit application (§ 66.01-5) to the Commander of the Coast Guard District in which the aid is located requesting authority to transfer responsibility for maintenance of the aid.

(b) The party relinquishing responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the discontinuance and the change of ownership of the aid sold or transferred.

(c) The party accepting responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the establishment and the change of ownership of the aid sold or transferred.

(d) In the event the new owner of the essential real estate or facility with which the aid is associated refuses to accept responsibility for maintenance of the aid, the former owner shall be required to remove the aid without expense to the United States. This requirement shall not apply in the case of any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) which shall be maintained by the new owner until the conditions which made the aid necessary have been eliminated.

Subpart 66.05—State Aids to Navigation

SOURCE: CGFR 66-32, 31 FR 10320, July 30, 1966, unless otherwise noted.

§ 66.05-1 Purpose.

(a) The purpose of the regulations in this subpart and subpart 66.10 of this part is to prescribe the conditions under which State governments may regulate aids to marine navigation, including regulatory markers, owned by State or local governments or private parties, in navigable waters of the United States not marked with aids by the Federal Government; and to prescribe a uniform system of marine aids to navigation compatible with the United States Aids to Navigation System described in Part 62 of this subchapter.

[CGD 86-031, 52 FR 42645, Nov. 6, 1987]

§ 66.05-5 Definition of terms used in subpart and Subpart 66.10.

(a) The term "State waters for private aids to navigation" means the navigable waters of the United States which the Commandant, upon request of a State Administrator, has designated as waters within which a State government may regulate the establishment, operation, and maintenance of marine aids to navigation, including regulatory markers. The Commandant will entertain requests to make such designations with respect to navigable waters of the United States not marked by the Federal Government. These designations when approved will be set forth in separate sections by States in this subpart and will briefly describe or identify waters designated.

(b) The term "Uniform State Waterway Marking System" (USWMS) means the system of private aids to navigation, including regulatory markers, which may be operated in State waters for private aids to navigation. Subpart 66.10 of this part describes the Uniform State Waterway Marking System.

(c) The term "State Administrator" means the official of a State having power under the law of the State to regulate, establish, operate or maintain maritime aids to navigation in waters over which the State has jurisdiction.

(d) The term "State aids to navigation" means all private marine aids to navigation operated in State waters for private aids to navigation, whether owned by a State, political subdivisions thereof or by individuals, corporations, or organizations.

(e) The term "regulate State maritime aids to navigation" means to control the establishment, disestablishment, operation and maintenance of State aids to navigation.

§ 66.05-10 State waters for private aids to navigation; designations; revisions; and revocations.

(a) A State Administrator who desires to regulate State maritime aids to navigation in the navigable waters of the United States not marked by the Federal Government, shall request the

Commandant to designate the specific bodies of water involved as State waters for private aids to navigation.

(b) The request shall be forwarded to the District Commander in whose District the bodies of water are located. The request shall give the name and description of the waterway; the extent of use being made of the waterway for marine navigation, in general terms; an appropriate chart or sketch of the area; and a general outline of the nature and extent of the State aids to navigation which the Administrator plans to establish in the waterway.

(c) The District Commander shall review the request and consult with the State Administrator concerning the terms of an initial agreement to be entered into under provisions of § 66.05-20. When they have arrived at terms of an agreement satisfactory to both, the District Commander shall forward the request to the Commandant with his recommendations and the terms of agreement mutually settled upon. If they cannot reach such agreement, the District Commander shall forward the request with his recommendations and a statement of the points agreed upon and the points remaining at issue.

(d) Upon receipt of the request, the Commandant will determine whether or not approval of the request is in the public interest and will inform the State Administrator and the District Commander of the Coast Guard's decision. If the request is approved, the designation by the Commandant of the waters in question as State waters for private aids to navigation will be also defined and described in this subpart.

(e) The Commandant may, upon his own initiative or upon request, revoke or revise any designations of State waters for private aids to navigation previously made by him. Written notice shall be given the State Administrator of the action contemplated by the Commandant. The State Administrator will be afforded a period of not less than 30 days from the date of the notice in which to inform the Commandant of the State's views in the matter before final action is completed to revoke or revise such designation.

§ 66.05-20 Coast Guard-State agreements.

(a) The District Commander in whose District a waterway is located may enter into agreements with State Administrators permitting a State to regulate aids to navigation, including regulatory markers, in State waters for private aids to navigation, as, in the opinion of the District Commander, the State is able to do in a manner to improve the safety of navigation. When a waterway is located within the area of jurisdiction of more than one Coast Guard District, the District Commander in whose District the State capital is located shall execute the agreement in behalf of the Coast Guard. All such agreements shall reserve to the District Commander the right to inspect the State aids to navigation without prior notice to the State. They shall stipulate that State aids to navigation will conform to the Uniform State Waterway marking System or to the U.S. Aids to Navigation System and that the State Administrator will modify or remove State aids to navigation without expense to the United States when so directed by the District Commander, subject to the right of appeal on the part of the State Administrator to the Commandant.

(b) A Coast Guard-State agreement shall become effective when both parties have signed the agreements. In lieu of the procedure prescribed in § 66.01-5, the agreement shall constitute blanket approval by the Commandant, of the State aids to navigation, including regulatory markers, established or to be established in State waters for private aids to navigation designated or to be designated by the Commandant.

(c) In addition to the matters set forth in paragraph (a) of this section, Coast Guard-State agreements shall cover the following points, together with such other matters as the parties find it desirable to include:

(1) A description, in sufficient detail for publication in Notices to Mariners, of all aids to navigations under State jurisdiction in navigable waters of the United States in existence prior to the effective date of the agreement which

have not been previously approved under procedures of § 66.01-5.

(2) Procedures for use by the State administrator to notify the District Commander of changes made in State aids to navigation, as required by § 66.05-25.

(3) Specification of the marking system to be used, whether the U.S. Aids to Navigation System or the Uniform State Waterway Marking System.

(4) Specification of standards as to minimum size and shape of markers, the use of identifying letters, the use of reflectors or retroreflective materials, and any other similar standards so as to enable Coast Guard inspectors to determine compliance with Statewide standards.

[CGD 86-031, 52 FR 42645, Nov. 6, 1987]

§ 66.05-25 Change and modification of State aids to navigation.

(a) Wherever a State Administrator shall determine the need for change in State aids to navigation, he shall inform the District Commander of the nature and extent of the changes as soon as possible, preferably not less than 30 days in advance of making the changes.

§ 66.05-30 Notice to Mariners.

(a) The District Commander may publish information concerning State aids to navigation, including regulatory markers, in the Coast Guard Local Notices to Mariners as he deems necessary in the interest of public safety.

(b) Notices to Mariners which concern the establishment, disestablishment, or change of State aids to navigation, including regulatory markers, may be published whenever the aids to navigation concerned are covered by navigational charts or maps issued by the U.S. Coast and Geodetic Survey, the U.S. Army Corps of Engineers, or the U.S. Lake Survey, Corps of Engineers.

§ 66.05-35 Private aids to navigation other than State owned.

(a) No person, public body or other instrumentality not under control of the Commandant or the State Admin-

istrator, exclusive of the Armed Forces of the United States, shall establish or erect or maintain in State waters private aids to navigation any aid to navigation without first obtaining permission to do so from the State Administrator. Discontinuance of State aids to navigation may be effected by order of the State Administrator.

§ 66.05-40 Corps of Engineers' approval.

(a) In each instance where a regulatory marker is to be established in navigable waters of the United States which have been designated by the Commandant as State waters for private aids to navigation, the State Administrator is responsible for obtaining prior permission from the District Engineer, U.S. Army Corps of Engineers concerned, authorizing the State to regulate the water area involved, a statement that there is no objection to the proposed regulation of the water area. A copy of the Corps of Engineers permit or letter of authorization shall be provided by the Administrator to the District Commander upon request.

(b) Similarly, where an aid to navigation is to be placed on a fixed structure or a mooring buoy is to be established in State waters for private aids to navigation, the State Administrator shall assure that prior permission or statement of no objection to the structures or mooring buoys proposed is obtained from the District Engineer concerned. A copy of the permit or letter is not required by the District Commander.

§ 66.05-100 Designation of navigable waters as State waters for private aids to navigation.

In accordance with the procedures contained in § 66.05-10(d), the following navigable waters listed by the State in which they are located, are designated as State waters for private aids to navigation:

(a) *Alabama.* Each water within the State not marked with Coast Guard aids to navigation on March 26, 1971.

(b) *Arizona.* The portion of Lake Havasu within the State, except the

portion within Havasu Lake National Wildlife Refuge.

(c) *Louisiana*. The portion of Toledo Bend Reservoir within the State.

(d) *Missouri*. Teach water within the State except the:

- (1) Mississippi River; and
- (2) Missouri River.

(e) *Montana*. The portion of Missouri River between the U.S. Highway 287 bridge near Townsend and Great Falls including the following impoundments:

- (1) Black Eagle Dam Reservoir.
- (2) Canyon Ferry Reservoir.
- (3) Hauser Lake.
- (4) Holter Lake.
- (5) Rainbow Dam Reservoir.

(f) *North Carolina*. Each navigable water within the State not marked with Coast Guard aids to navigation on June 1, 1973.

(g) *Pennsylvania*. The portion of Youghiogheny River Reservoir within the State.

(g-1) *South Carolina*. (1) The portion of Lake Wylie within the State; (2) Lake Marion; (3) Lake Moultrie; and (4) Lake Murray.

(h) *Texas*. The portion of Toledo Bend Reservoir within the State.

(i) *Virginia*. (1) Claytor Lake, on the New River in Pulaski County.

(2) Leesville Lake, on the Roanoke River below Smith Mountain Dam.

(3) The portions of the following reservoirs within the State:

- (i) Gaston.
- (ii) Holston.
- (iii) John H. Kerr.
- (iv) Philpott.

(j) *Wisconsin*. Navigable waters within the State not marked with Coast Guard aids to navigation on November 17, 1969.

[CGD 72-154R, 38 FR 33473, Dec. 5, 1973, as amended by CGD 76-015, 41 FR 12879, Mar. 29, 1976; CGD 80-132, 46 FR 27643, May 21, 1981]

Subpart 66.10—Uniform State Waterway Marking System

SOURCE: CGFR 66-32, 31 FR 10321, July 30, 1966, unless otherwise noted.

§ 66.10-1 General.

(a) The Uniform State Waterway Marking System (USWMS) was devel-

oped to convey to the small vessel operator, in particular, adequate guidance to indicate safe boating channels by indicating the presence of either natural or artificial obstructions or hazards, marking restricted or controlled areas, and providing directions. The USWMS may be used in those navigable waters of the U.S. which have been designated as State waters for private aids to navigation and in those internal waters which are not navigable waters of the U.S.

(b) The U.S. Aids to Navigation System, described in Part 62 of this Subchapter, may be used in all U.S. waters, including those waters under State jurisdiction.

(c) The USWMS consists of:

(1) A system of regulatory markers to indicate to a vessel operator the existence of dangerous areas as well as those which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions;

(2) A system of aids to navigation to mark channels and obstructions; and

(3) A distinctive color scheme for mooring buoys.

[CGD 86-031, 52 FR 42645, Nov. 6, 1987]

§ 66.10-5 Regulatory markers.

(a) Each regulatory marker shall be colored white with international orange geometric shapes.

(b) When a buoy is used as a regulatory marker it shall be white with horizontal bands of international orange placed completely around the buoy circumference. One band shall be at the top of the buoy body, with a second band placed just above the waterline of the buoy so that both international orange bands are clearly visible to approaching vessels. The area of buoy body visible between the two bands shall be white.

(c) Geometric shapes shall be placed on the white portion of the buoy body and shall be colored international orange. The authorized geometric shapes and meanings associated with them are as follows:

(1) A vertical open faced diamond shape to mean danger.

(2) A vertical open faced diamond shape having a cross centered in the diamond to mean that a vessel is excluded from the marked area.

(3) A circular shape to mean that a vessel operated in the marked area is subject to certain operating restrictions.

(4) A square or rectangular shape with directions or information lettered on the inside.

(d) Where a regulatory marker consists of a square or rectangular shaped sign displayed from a structure, the sign shall be white, with an international orange border. When a diamond or circular geometric shape associated with meaning of the marker is included it shall be centered on the sign-board.

§ 66.10-10 Geometric shapes and wording on regulatory markers.

(a) The geometric shape displayed on a regulatory marker is intended to convey specific meaning to a vessel whether or not it should stay well clear of the marker or may safely approach the marker in order to read any wording on the marker.

§ 66.10-15 Aids to navigation.

(a) The second category of marker in the USWMS is the aid to navigation having lateral or cardinal meaning.

(b) On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation shall normally be a solid colored buoy. A buoy which marks the left side of the channel viewed looking upstream or toward the head of navigation shall be colored all black. A buoy which marks the right side of the channel viewed looking upstream or toward the head of a navigation shall be colored all red. On a well defined channel, solid colored buoys shall be established in pairs, one on each side of the navigable channel which they mark, and opposite each other to inform the user that the channel lies between the buoys and that he should pass between the buoys.

(c) On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided

they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that he should pass between the buoys.

(d) Where there is no well-defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of aids to navigation having cardinal meaning is discretionary provided that the use of such a marker is limited to whole State owned waters and the State waters for private aids to navigation defined and described in this part.

(e) Aids to navigation conforming to the cardinal system shall consist of three distinctly colored buoys.

(1) A white buoy with a red top may be used to indicate to a vessel operator that he must pass to the south or west of the buoy.

(2) A white buoy with a black top may be used to indicate to a vessel operator that he must pass to the north or east of the buoy.

(3) In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that he must not pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes.

§ 66.10-20 Size, shape, material and construction of markers.

(a) The size, shape, material, and construction of all markers, both fixed and floating, shall be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid will be recognizable before the observer stands into danger.

§ 66.10-25 Numbers, letters or words on markers.

(a) Numbers, letters or words on an aid to navigation or regulatory marker shall be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They shall be block style, well proportioned and as large as the available space permits. Numbers and letters on red or black backgrounds shall be white; numbers and letters on white backgrounds shall be black.

(b) Odd numbers shall be used to identify solid colored black buoys or black topped buoys; even numbers shall be used to identify solid colored red buoys or red topped buoys. All numbers shall increase in an upstream direction or toward the head of navigation. The use of numbers to identify buoys is discretionary.

(c) Letters only may be used to identify regulatory and the white and red vertically striped obstruction markers. When used the letters shall follow alphabetical sequence in an upstream direction or toward the head of navigation. The letters I and O shall be omitted to preclude confusion with numbers. The use of letters to identify regulatory markers and obstruction markers is discretionary.

§ 66.10-30 Reflectors or retroreflective materials.

(a) The use of reflectors or retroreflective materials shall be discretionary.

(b) When used on buoys having lateral significance, red reflectors or retroreflective materials shall be used on solid colored red buoys; green reflectors or retroreflective materials shall be used on solid colored black buoys; white reflectors or retroreflective materials only shall be used for all other buoys including regulatory markers, except that orange reflectors or retroreflective materials may be used on the orange portions of regulatory markers.

§ 66.10-35 Navigation lights.

(a) The use of navigational lights on State aids to navigation, including regulatory markers, is discretionary. When used, lights on solid colored buoys shall be regularly flashing, reg-

ularly occulting, or equal interval lights. For ordinary purposes the frequency of flashes may not be more than 30 flashes per minute (slow flashing). When it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel or to mark wrecks or other artificial or natural obstructions, the frequency of flashes may not be less than 60 flashes per minute (quick flashing). When a light is used on a cardinal system buoy or a vertically striped white and red buoy it shall always be quick flashing. The colors of the lights shall be the same as for reflectors; a red light only on a solid colored red buoy; a green light on solid colored black buoy; white light only for all other buoys including regulatory markers.

§ 66.10-40 Ownership identification.

(a) The use and placement of ownership identification is discretionary, provided that ownership identification is worded and placed in a manner which will avoid detracting from the meaning intended to be conveyed by a navigational aid or regulatory marker.

§ 66.10-45 Mooring (anchor) buoys.

(a) Mooring buoys in State waters for private aids to navigation shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the waterline.

(b) A lighted, mooring buoy shall normally display a slow flashing white light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it shall display a quick flashing white light.

(c) A mooring buoy may bear ownership identification provided that the manner and placement of the identification does not detract from the meaning intended to be conveyed by the color scheme or identification letter when assigned.

PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

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AUTHORITY: 14 U.S.C. 85, 633; 43 U.S.C. 1333; 49 CFR 1.46.

SOURCE: CGFR 58-17, 23 FR 3377, May 1958, unless otherwise noted.

Subpart 67.01—General Requirements

§ 67.01-1 Scope.

(a) The regulations in this part prescribe the obstruction lights and signals to be operated as private maintained maritime aids to navigation on the artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf and in the waters under the jurisdiction of the United States for the purpose of exploring for, developing, removing and transporting resources therefrom.

(b) Subpart 68.01 in Part 68 of this subchapter shall be applicable to private aids to navigation erected on or over the Outer Continental Shelf in the same manner and to the same

extent as they are applicable to private aids to navigation established, erected, or maintained in the waters under the jurisdiction of the United States.

§ 67.01-5 Definitions.

(a) *Structures.* The term "structures" as used in this part shall include all fixed structures, temporary or permanent, for which a Corps of Engineers' permit is issued. It shall include, but is not necessarily limited to, all drilling platforms, production platforms, quarters platforms, pipe line riser platforms, manifold platforms, loading platforms, boat landings, caissons, well protective structures, tank battery barges submerged on station, drilling barges submerged on location, breakwater barges submerged on location, artificial islands and all other piles, pile clusters, pipes, or structures erected in the waters.

(b) *Class "A", "B", or "C" structures.* The term "Class A, B, or C structures" refers to the classification assigned to structures erected in areas in which corresponding requirements for marking are prescribed.

(c) *Line of demarcation.* The term "line of demarcation" means the dividing line used administratively to distinguish between the areas in which structures shall conform to Class "A" and Class "B" or "C" requirements.

(d) *Outer Continental Shelf.* The term "Outer Continental Shelf" means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in the Submerged Lands Act (sec. 2, 67 Stat. 29, 43 U. S. C. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(e) *Reliable operation.* The term "reliable" as used in this part shall mean that dependability which will insure to the highest degree reasonably possible the uninterrupted operation of lights and fog signals as private aids to navigation, for safety of marine commerce.

(f) *Fog signal.* The term "fog signal" as used in this part shall mean the audible sound signal, authorized as a private aid to navigation, to mark a structure for the safety of marine commerce whenever the visibility has

been reduced by fog, mist, rain, falling snow, smoke, dust, or other phenomena.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 63-18, 28 FR 4026, Apr. 14, 1963]

§ 67.01-10 Authority to regulate and delegation of functions.

(a) *Regulatory authority.* By virtue of the Department of Transportation Act (Pub. L. 89-670, 80 Stat. 931-950, 49 U.S.C. 1651-1659), establishing the Department of Transportation, the U.S. Coast Guard together with its functions and duties under the Secretary of the Treasury was transferred to the new department. The Secretary of Transportation thereby became the "head of the Department in which the Coast Guard is operating," including the authority to promulgate and enforce regulations under the Outer Continental Shelf Lands Act (43 U.S.C. 1333). By a rule in 49 CFR 1.9 the Secretary continued in effect actions taken prior to April 1, 1967. By rules in 49 CFR 1.4(a)(2) and (f) the Secretary of Transportation authorized the Commandant, U.S. Coast Guard, with respect to his own organization, to exercise the authority granted to the Secretary as Executive head of that department by any statute, Executive order or regulation. Section 1657(e) of Title 49 U.S.C. provides for delegation and redelegation of powers and functions vested in the Secretary. By a rule in 49 CFR 1.4(g) the Commandant is authorized to redelegate and authorize successive redelegations within the organization under his jurisdiction.

(b) *Delegation of functions.* The Coast Guard District Commander is hereby delegated responsibility for performing, or having performed the inspections, enforcement, and administration of such regulations, which are or may be required. He may redelegate this authority as necessary to any person from the civilian or military branch of the Coast Guard.

[CGFR 58-17, 23 FR 3378, May 20, 1958, as amended by CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

§ 67.01-15 Classification of structures.

(a) The varied depths of water and marine commerce traffic routes which exist in the waters over the Outer Continental Shelf, and in other waters, permits the classification of structures according to their location in such waters. Those structures in the area seaward of the line of demarcation, prescribed by the regulations in this part, are designated as Class "A" structures. All structures shoreward of the line of demarcation, prescribed by the regulations in this part, are designated as either Class "B" or Class "C" structures.

(b) In the event a line of demarcation is not prescribed, the District Commander shall designate a structure "A", "B", or "C" as he deems appropriate.

§ 67.01-20 Prescribing lines of demarcation.

In those areas where lines of demarcation are not prescribed, or where they have been prescribed and require modification, the District Commander shall submit his recommendations thereon to the Commandant for establishment or changes as required. When approved by the Commandant, and upon publication in the *FEDERAL REGISTER*, such additions or changes in lines of demarcation shall be effective for the purposes of this part.

§ 67.01-30 Equivalents.

The use of alternate equipment, apparatus, or installation arrangements specified in this part may be permitted by the District Commander to such extent and under such conditions as will result in achieving a degree of safety or compliance with these regulations equivalent to or above the minimum requirements set forth in this part.

Subpart 67.05—General Requirements for Lights

§ 67.05-1 Arrangement of obstruction lights.

(a) Structures having a maximum horizontal dimension of 30 feet or less on any one side, or in diameter, shall

be required to have one obstruction light visible for 360°.

(b) Structures having a maximum horizontal dimension of over 30 feet but not in excess of 50 feet, on any side, or in diameter, shall be required to have two obstruction lights stalled on diagonally opposite corners 180° apart, or as prescribed by the District Commander, each light to have a 360° lens.

(c) Structures having a horizontal dimension of over 50 feet on any side, or in diameter, shall be required to have an obstruction light on each corner, or 90° apart in the case of circular structures, or as prescribed by the District Commander, each light to have a 360° lens.

(d) Where the overall dimensions of a structure require the installation of two or more obstruction lights, the lights shall all be mounted on the same horizontal plane within the limitations of height specified in § 67.05-5, or § 67.30-5, as applicable.

(e) Lesser structures and piles, clusters or flare templates, etc., not normally be required to be marked by obstruction lights, when they are located within 100 yards of a Class "A", "B" or "C" structure marked by established obstruction lights, they shall be marked with red retro-reflective material, stalled as prescribed by the District Commander.

(f) All obstruction lights shall be stalled in a manner which will permit at least one of them to be carried in sight of the mariner, regardless of angle of approach, until he is within 50 feet of the structure, visibility permitting.

§ 67.05-5 Multiple obstruction lights.

When more than one obstruction light is required by this part to mark a structure, all such lights shall be stalled to flash in unison.

§ 67.05-10 Characteristics of obstruction lights.

All obstruction lights required by this part shall be powered from a reliable power source, including auxiliary power sources as necessary. They shall display a quick-flash characteristic

approximately 60 flashes per minute, unless prescribed otherwise in the permit issued by the District Commander. Their color shall be white when marking Class "A" and "B" structures, and either white or red, as prescribed by the District Commander, when marking Class "C" structures. In determining whether white or red lights shall be authorized, the District Commander shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.05-15 Operating periods of obstruction lights.

Obstruction lights shall be displayed at all times between the hours of sunset and sunrise, local time, commencing at the time the construction of a structure is begun. During construction and until such time as a platform capable of supporting the obstruction lights is completed, the fixed lights on an attending vessel shall be used. In addition, when lights are in use for general illumination to facilitate the construction or operation of a structure, and can be seen from any angle of approach at a distance equal to that prescribed for the obstruction lights for the class of structure, the actual operation of obstruction lights also will not be required.

[COPR 58-34, 23 FR 7701, Oct. 4, 1958]

§ 67.05-20 Minimum lighting requirements.

The obstruction lighting requirements prescribed in this part are the minimum requirements only and shall not preclude the maintainer from making application for authorization to establish more lights, or lights of greater intensity than required to be visible at the distances prescribed: *Provided*, That the prescribed characteristics of color and flash duration are adhered to.

§ 67.05-25 Special lighting requirements.

Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander is authorized to require the structure to be marked by the lights which in his judgment are necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the lights in any of these cases, shall not exceed those established for structures in the Class "A" areas.

Subpart 67.10—General Requirements for Fog Signals

SOURCE: CGD 72-74R, 37 FR 13512, July 8, 1972, unless otherwise noted.

§ 67.10-1 Apparatus requirements.

The fog signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must:

- (a) Have its maximum intensity at a frequency between 100 and 1,100 Hertz;
- (b) Sound a 2-second blast every 20 seconds (2 seconds sound, 18 seconds silence) unless otherwise authorized by the District Commander;
- (c) Have the range required by § 67.20-10, § 67.25-10, or § 67.30-10;
- (d) Have a height not exceeding 25 feet;
- (e) Have not more than eight sound sources;
- (f) Be approved by the Coast Guard under § 67.10-15; and
- (g) Be permanently marked with:

- (1) The date of Coast Guard approval;
- (2) The manufacturer and date of manufacture;
- (3) A model designation;
- (4) The approved range; and
- (5) The power necessary to comply with the provisions of paragraph (c) of this section.

§ 67.10-5 Location requirements.

The fog signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must:

- (a) Be located on the structure so that the sound signal produced is audi-

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ble over 360° in a horizontal plane at all ranges up to and including the required range; and

(b) Be located at least 10 feet but not more than 150 feet above mean high water.

§ 67.10-10 Operating requirements.

(a) Fog signals required by §§ 67.20-10, 67.25-10, and 67.30-10 must be operated continuously, regardless of visibility, unless the fog signal is controlled:

(1) By an attendant on the structure;

(2) Remotely by an attendant on a nearby structure; or

(3) By a fog detection device capable of activating the fog signal when the visibility in any direction is reduced to the range at which fog signal operation is required by this part.

(b) During construction and until such time as a fog signal is installed and operating on a platform, the whistle of an attending vessel moored alongside the platform may be used to sound the signal required for the structure by this part.

§ 67.10-15 Approval of fog signals.

(a) The Coast Guard approves a fog signal if:

(1) It meets the requirements for fog signals in § 67.10-1 (a), (b), (c), (d), and (e) when tested under § 67.10-20; or

(2) It is similar to a fog signal which was tested and approved under the provisions of this section and the Coast Guard has approved all variations in design, construction, production, and manufacture from the fog signal tested.

(b) A fog signal that is an identical production model of a fog signal which

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has been approved under paragraph (a) of this section is a Coast Guard approved fog signal.

§ 67.10-20 Fog signal tests.

(a) Fog signal tests must:

(1) Be made by the applicant in the presence of a Coast Guard representative, who certifies the test if the procedures comply with the requirements of this section;

(2) Be made with Coast Guard supplied and calibrated sound level meters and power meters; and

(3) Be made in an anechoic chamber large enough to accommodate the entire fog signal, as if installed in actual use.

(b) The sound pressure level must be measured as a function of:

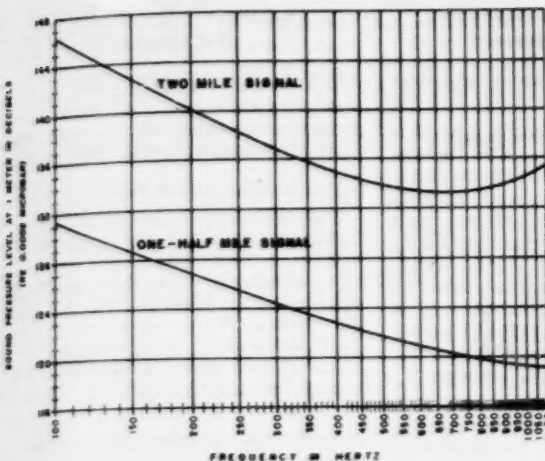
(1) Distance by using a sufficient number of points to allow a far-field extrapolation of the sound pressure level;

(2) Power at outputs up to and including the approximate power level necessary to comply with § 67.10-1(c);

(3) Horizontal angle at increments not greater than 30°; and

(4) Harmonic content to at least the third harmonic.

(c) In analyzing the test data to determine the minimum power necessary to produce the sound pressure level specified in Table A of this section, the Coast Guard follows the procedure prescribed by the International Association of Lighthouse Authorities (IALA) in Supplement No. 3 to the IALA Bulletin of February 1960. In analysis of harmonic components, it does not consider components above 1,100 Hertz as adding to the audible range.



FREQUENCY (Hz)	1/2 MILE (dB)	2 MILE (dB)
100	131.3	146.4
150	128.8	142.5
200	126.8	140.1
250	125.4	138.2
300	124.4	136.8
350	123.4	135.7
400	122.7	134.9
450	122.1	134.2
500	121.6	133.8
550	121.2	133.5
600	120.8	133.3
650	120.5	133.2
700	120.2	133.2
750	120.0	133.3
800	119.8	133.4
850	119.6	133.6
900	119.4	133.8
950	119.3	134.2
1000	119.2	134.6
1050	119.1	134.9
1100	119.0	135.4

TABLE A: REQUIRED SOUND PRESSURE LEVELS AT
1 METER FOR 1/2 AND 2 MILE FOG SIGNALS

§ 67.10-25 Application for tests.

A person requesting a Coast Guard representative at a test of a fog signal must:

(a) Direct a written request to U.S. Coast Guard Short Range Aids to Navigation Division, 2100 Second Street SW., Washington, DC 20593-0001 including:

- (1) His name, address, and telephone number;
- (2) A description of the fog signal;
- (3) Range for which approval is requested;
- (4) Location of the anechoic chamber; and
- (5) Proposed test dates.

(b) Bear all the expenses of conducting the test conducted in accordance with § 67.10-20 including all expenses of the U.S. Government in sending a Coast Guard representative to the test.

CGD 72-74R, 37 FR 13512, July 8, 1972, as amended by CGD88-052, 53 FR 25119, July 1, 1988

§ 67.10-30 Withdrawal of approval.

The Coast Guard may withdraw approval of a fog signal if it fails to meet

the requirements of § 67.10-1 (a), (b), and (c).

§ 67.10-35 Notice of approval and withdrawal of approval.

(a) The Coast Guard publishes a notice of the approval or withdrawal of approval of a fog signal in the Local Notice to Mariners.

(b) A listing of approved fog signals may be obtained from any District Commander.

§ 67.10-40 Fog signals authorized for use prior to January 1, 1973.

Any fog signal authorized for use by the Coast Guard and manufactured prior to January 1, 1973, is excepted from the requirements in this subpart, except §§ 67.10-1 (b) and (c), 67.10-5, and 67.10-10, if the fog signal has a minimum sound pressure level as specified in Table A of Subpart 67.10 of Title 33 of the Code of Federal Regulations in effect on December 31, 1972, for the range required by § 67.20-10, § 67.25-10, or § 67.30-10.

§ 67.15-1

**Subpart 67.15—Miscellaneous
Marking Requirements**

**§ 67.15-1 Lights and signals on attendant
vessels.**

The requirements prescribed by this part apply to structures. The barges, vessels, and other miscellaneous floating plants in attendance shall display lights and signals in accordance with the "Regulations for Preventing Collisions at Sea, 1960 (33 U.S.C. 1601-1094)," or the local rules established in accordance with Rule 30 thereof, as appropriate. However, when vessels are fixed to or submerged onto the seabed, they become structures as described in § 67.01-5.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

§ 67.15-5 Seismographic and surveying operations.

All stakes, casings, pipes, and buoys, except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water to facilitate seismographic or surveying operations shall be marked, in the manner prescribed by the District Commander, for the safety of navigation.

**§ 67.15-10 Spoil banks, artificial islands,
and dredged channels.**

(a) All submerged spoil banks, or artificial islands resulting from the dredging of private channels, laying of pipelines, or any other private operation, and all privately dredged channels which, in the judgment of the District Commander are required to be marked by aids to navigation, shall be marked by private aids to navigation conforming to the standard United States system of aids to navigation characteristics described in Subpart 62.25 of Part 62 of this subchapter.

(b) Applications for permits to establish and maintain private aids to navigation for the purpose indicated in this section shall be reviewed by the District Commander and forwarded to the Commandant, for final review and issuance of permits.

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**Subpart 67.20—Class "A"
Requirements**

§ 67.20-1 Class "A" structures.

Class "A" structures shall be the structures erected in an area where Class "A" requirements must be met.

§ 67.20-5 Obstruction lights.

The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part. The lights shall be of sufficient candlepower as to be visible at a distance of at least five nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that specified in § 67.05-1(f).

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958]

§ 67.20-10 Fog signal.

(a) The owner of a Class "A" structure shall:

(1) Install a fog signal that has a range of at least 2 miles; and,

(2) Operate the fog signal when the visibility in any direction is less than 3 miles.

(b) The District Commander may waive any requirements in paragraph (a) of this section if he finds that a structure is so close to other structures and so enveloped by the fog signals on other structures that it is not a hazard to navigation.

[CGD 72-74R, 37 FR 13513, July 8, 1972]

**Subpart 67.25—Class "B"
Requirements**

§ 67.25-1 Class "B" structures.

Class "B" structures shall be the structures erected in an area where Class "B" requirements must be met.

§ 67.25-5 Obstruction lights.

(a) The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least three nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than

that specified in § 67.05-1(f), except that on Class "B" structures which are required to be marked by only one light, that light may be displayed not less than 10 feet above mean high water if the structural features preclude mounting the light within the range of heights otherwise specified in this section.

(b) The District Commander may waive the requirement for obstruction lights on Class "B" structures if there is no hazard to navigation by so doing.

CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 62-32, 27 FR 10101, Oct. 3, 1962]

§ 67.25-10 Fog signal.

(a) The owner of a Class "B" structure shall:

(1) Install a fog signal that has a range of at least one-half mile, except that the District Commander may—

(i) Prescribe a greater range, not to exceed 2 miles, under the provisions of paragraph (b) of this section; or

(ii) Exempt the structure from the requirements of this paragraph, under the provisions of paragraph (c) of this section;

(2) Operate the fog signal when the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility in any direction is less than 3 provisions of paragraph (b) or (c) of this section.

(b) The owner of a Class "B" structure shall install a fog signal with a greater range or operate it at times of greater visibility than required in paragraph (a) of this section if:

(1) The structure is erected on or adjacent to the edge of a:

(i) Navigable channel;

(ii) Fairway; or

(iii) Line of demarcation; and

(2) The District Commander decides a greater range or operation of the fog signal at times of greater visibility is necessary for the safety of marine commerce.

(c) The District Commander may waive or relax the provisions of paragraph (a) of this section, if he finds that a structure is:

(1) So close to other structures and so enveloped by the fog signals on

other structures that it is not a hazard to navigation; or

(2) So located in a shoal area that it is not a hazard to navigation.

[CGD 72-74R, 37 FR 13513, July 8, 1972]

Subpart 67.30—Class "C" Requirements

§ 67.30-1 Class "C" structures.

Class "C" structures shall be the structures erected in an area where Class "C" requirements must be met.

§ 67.30-5 Obstruction lights.

(a) The obstruction lights shall be white or red lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least one nautical mile 90 percent of the nights of the year. The lights shall be displayed at such height, above mean high water, as shall be prescribed by the District Commander. When the District Commander shall authorize red lights to mark a Class "C" structure, the color thereof shall conform to the shade of red prescribed in Military Specification Mil-C-25050 (ASG), Type 1, Grade D. A copy of the specification may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

(b) When Class "C" structures are erected in close proximity to each other, or are connected in such a manner as to prevent marine traffic from passing freely through the field, obstruction lights may be authorized to mark the perimeter structures only, when in the judgment of the District Commander the group of structures which are equipped with obstruction lights are so arranged that the particular structures are protected to the degree required by this part, and are not a hazard to navigation.

(c) Unless advised to the contrary by the District Commander, obstruction lights shall be required on Class "C" structures erected in depths of water greater than 3 feet at mean low water.

(d) In cases where, although not required, an applicant desires to establish and operate obstruction lights, a permit therefor shall be granted, at

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the discretion of the District Commander: *Provided*, That the lights meet the requirements set forth in this part.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

§ 67.30-10 Fog signals.

(a) The owner of a Class "C" structure shall install a fog signal if:

(1) The structure is erected on or adjacent to the edge of a:

- (i) Navigable channel;
- (ii) Fairways; or
- (iii) Line of demarcation; and

(2) The District Commander decides it is necessary for the safety of marine commerce.

(b) Fog signals required by paragraph (a) of this section must have range of at least one-half mile, unless the District Commander prescribes a greater range, not to exceed 2 miles.

(c) The owner of the structure shall operate the fog signal required by paragraph (a) of this section whenever the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles.

(d) Class "C" structures may have fog signals if:

- (1) Authorized by the District Commander under the provisions of Subpart 66.01 of this subchapter; and
- (2) The fog signal meets the requirements of § 67.10-1 (a) and (b).

[CGD 72-74R, 37 FR 13513, July 8, 1972]

Subpart 67.35—Applications

§ 67.35-1 Procedure.

(a) An application, on Coast Guard forms which will be provided by the District Commander upon request, shall be submitted for each private aid to navigation for which a permit is required to establish, operate, move, change or discontinue, except as modified in this subpart.

(b) An application on the prescribed form shall be submitted to the District Commander for each structure to be equipped with obstruction lights and/or fog signals if the structure is to remain in place six months or more.

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An application may be made by for each structure to be so equipped the structure is to remain in place than six months.

(c) One application form only shall be submitted to the District Commander to cover a group of unlighted buoys or daybeacons.

§ 67.35-5 Contents of application.

(a) All applicable items of the prescribed forms shall be completed, brief descriptive print of the structure or aid to navigation involved shall be furnished with the application, together with a location plat or chart. When Lambert coordinates are used to plot the position of the structure, the plat or chart shall be annotated to show latitude and longitude of the proposed aid to navigation, and when the position has been described by reference to one or more horizontal angles, or by the bearing and distance from a charted landmark.

(b) Each application shall have appended to it a list showing the type, model, name and address of the manufacturer of the lighting apparatus and fog signal equipment to be used.

(c) Each application shall also specify the date the proposals contained therein are desired to be effective, and approval thereof must be obtained before the proposed action is undertaken.

§ 67.35-10 Private aids to navigation.

See § 67.15-10(b) for review of applications respecting private aids to navigation for spoil banks, artificial islands and dredged channels.

§ 67.35-15 To whom addressed.

The applications and correspondence dealing with private aids to navigation and obstruction lighting shall be addressed to the District Commander having jurisdiction over the area.

Subpart 67.40—Notification

§ 67.40-1 Notification to District Commander.

(a) Class "A" structures. In the case of structures to be located in areas where Class "A" requirements must

met, notification shall be given to the District Commander of the approximate date work will commence, as soon as known after a permit is received from the Corps of Engineers, U.S. Army, or 30 days in advance, if possible. The District Commander shall be notified by telegram the day the construction of the structure is commenced, informing him of the lights and fog signals to be used during construction. When construction has been completed, the main- tainer shall notify the District Com- mander to that effect by letter, stating whether or not the authorized ob- struction lights and/or fog signals are in operation. Final notification by letter shall be given when the lights used for general illumination, to facili- tate the construction or operation of the structure, have been discontinued and the authorized obstruction lights placed in operation.

(b) *Class "B" structures.* Notification shall be given to the District Com- mander in the case of structures to be located in areas where Class "B" re- quirements must be met, in the same manner as prescribed in the case of Class "A" structures, except that the telegram on the day construction of the structure is commenced shall not be required.

(c) *Class "C" structures.* Notification shall be given to the District Com- mander in the case of structures to be located in areas where Class "C" re- quirements must be met, upon comple- tion of the structure.

CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 62-32, 27 FR 10101, Oct. 13, 1962]

§ 67.40-5 Waivers.

(a) The District Commander is au- thorized to modify or waive any re- quirement prescribed in this part whenever, in his judgment, the safety of marine commerce will not be im- paired by so doing.

(b) When the District Commander shall determine that changed circum- stances in the case of a structure, whose obstruction lights and/or fog signal have been modified or waived, constitutes a hazard to marine naviga- tion, he is authorized to revoke or revise his previous action and to re-

quire the structure to be appropriately marked by suitable obstruction lights and/or fog signals in accordance with this part.

§ 67.40-10 Communication with owner.

Communication with the owners of private aids to navigation by the Dis- trict Commander shall be addressed to their usual or last known place of busi- ness, or to their local representative, if any. Communication shall be by the method considered appropriate for the circumstances.

§ 67.40-15 Marking at owner's expense.

The District Commander may mark, for the protection of marine com- merce, any structure whenever the owner thereof has failed suitably to mark the same in accordance with this part, and the owner shall reimburse the Coast Guard for all costs incurred.

§ 67.40-20 Charges invoiced to owner.

Charges to the owner for the cost of marking a structure by the Coast Guard shall be determined in accord- ance with Part 74 of this subchapter. All such charges shall be invoiced to the owner beginning with the date such marking is established and shall continue until notice is received by the District Commander that the struc- ture has been removed, or until the owner has applied for and been issued a permit by the District Commander to establish and operate the required obstruction lights and/or fog signals or other markings required by this part.

§ 67.40-25 Penalty.

The penalty for violation is in sec- tion 1, 63 Stat. 501 (14 U.S.C. 85), or section 4(e)(2) of the Outer Continen- tal Shelf Lands Act (43 U.S.C. 1333). Any person, firm, company, or corpo- ration who shall fail or refuse to obey any of the lawful rules and regulations issued in this part or pursuant thereto shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

Subpart 67.50—District Regulations

§ 67.50-1 Scope.

(a) The regulations in this subpart shall apply to the structures which are located within the boundaries of the Coast Guard districts hereinafter defined.

(b) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33810, Sept. 8, 1987]

§ 67.50-5 First Coast Guard District.

(a) *Description.* See § 3.05-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

§ 67.50-10 Second Coast Guard District.

(a) *Description.* See § 3.05-1 of this Chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of ap-

plication for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961; CGD 88-052, 53 FR 25119, July 1988]

§ 67.50-15 Fifth Coast Guard District.

(a) *Description.* See § 3.25-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

§ 67.50-20 Seventh Coast Guard District.

(a) *Description.* See § 3.35-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and the amount of vessel traffic.

and the effect of background light-

CGPR 58-17, 23 FR 3377, May 20, 1958, as amended by CGPR 61-40, 26 FR 10353, Nov. 1961]

§ 67.50-25 Eighth Coast Guard District.

(a) *Description.* See § 3.40-1 of this chapter.

(b) *Lines of demarcation.* The two lines of demarcation described in this section are for administrative purposes to distinguish between the areas in which structures shall be subject to Class "A", "B" or "C" requirements. The primary line of demarcation delimits the areas to the seaward of which Class "A" requirements are imposed. The secondary line of demarcation delimits the areas to the shoreward of which Class "C" requirements are imposed. In those areas where no secondary line of demarcation is prescribed, the structures shoreward of the primary line of demarcation are considered to be Class "C" structures. Class "B" requirements are imposed on the structures in the areas between the two lines of demarcation.

(1) The coordinates of the primary line of demarcation within the jurisdiction of the District Commander are as follows:

- (i) Commencing at a point at Lat. 30°11'3" N., Long. 88°03'0" W., thence to;
- (ii) A point at Lat. 30°11'5" N., Long. 88°03'7" W., thence to;
- (iii) A point at Lat. 30°12'7" N., Long. 88°03'58" W., thence to;
- (iv) A point due west of (iii) at Long. 89°00'0" W., thence to;
- (v) A point at Lat. 30°08'0" N., Long. 89°00'0" W., thence to;
- (vi) A point at Lat. 30°04'7" N., Long. 89°03'7" W., thence via a line two miles to seaward around Chandealeur Island to;
- (vii) A point at Lat. 29°34'0" N., Long. 89°00'0" W., thence to;
- (viii) A point at Lat. 29°15'0" N., Long. 89°00'0" W., thence to;
- (ix) A point at Lat. 29°14'0" N., Long. 89°07'7" W., thence to;
- (x) A point at Lat. 29°10'0" N., Long. 89°07'0" W., thence to;
- (xi) A point at Lat. 29°03'6" N., Long. 89°02'3" W., thence via the five fathom curve to;
- (xii) A point at latitude 28°58'1" N., longitude 89°09'6" W., thence to;
- (xiii) A point at latitude 28°57'8" N., longitude 89°13'6" W., thence to;

- (xiv) A point at latitude 28°57'8" N., longitude 89°19'5" W., thence to;
- (xv) A point at latitude 28°53'8" N., longitude 89°25'7" W., thence to;
- (xvi) A point at latitude 28°52'6" N., longitude 89°25'9" W., thence via the 10 fathom curve to;
- (xvii) A point at latitude 29°00' N., longitude 89°34'0" W., thence to;
- (xviii) A point at latitude 29°00' N., longitude 90°05'0" W., thence to;
- (xix) A point at latitude 28°46'3" N., longitude 91°07'5" W., thence to;
- (xx) A point at latitude 29°11'5" N., longitude 92°21'0" W., thence to;
- (xxi) A point at latitude 29°29'0" N., longitude 92°32'3" W., thence via the 5 fathom curve to;
- (xxii) A point at latitude 29°41'2" N., longitude 93°19'9" W., thence to;
- (xxiii) A point at latitude 29°38'7" N., longitude 93°49'4" W., thence to;
- (xxiv) A point on the 5 fathom curve at latitude 29°35'8" N., longitude 94°00' W., thence via the 5 fathom curve to;
- (xxv) A point at latitude 29°26'7" N., longitude 94°30'0" W., thence to;
- (xxvi) A point at latitude 28°55'3" N., longitude 95°16'3" W., thence to;
- (xxvii) A point at latitude 28°54'9" N., longitude 95°15'6" W., thence to;
- (xxviii) A point at latitude 28°19'3" N., longitude 96°23'3" W., thence to;
- (xxix) A point at latitude 27°49'5" N., longitude 97°01'2" W., thence to;
- (xxx) A point on the 10 fathom curve at latitude 27°30'0" N., longitude 97°10'0" W., thence via the 10 fathom curve to;
- (xxxi) A point at latitude 27°00' N., longitude 97°17'5" W., thence to;
- (xxxii) A point at latitude 26°04'1" N., longitude 97°08'6" W.

(2) The coordinates of the secondary line of demarcation within the jurisdiction of the District Commander are as follows:

- (i) Commencing at a point in Breton Sound at Lat. 29°34'0" N., Long. 89°00'0" W., thence to;
- (ii) A point at Lat. 29°30'0" N., Long. 89°10'0" W., thence to;
- (iii) A point at Lat. 29°20'9" N., Long. 89°10'0" W., thence to;
- (iv) A point at Lat. 29°15'3" N., Long. 89°04'0" W., thence to;
- (v) A point at Lat. 29°14'1" N., Long. 88°59'0" W., thence to;
- (vi) A point at Lat. 29°08'6" N., Long. 88°58'3" W., thence to;
- (vii) A point at Lat. 29°02'1" N., Long. 89°06'6" W., thence to;
- (viii) A point at Lat. 28°58'1" N., Long. 89°08'4" W., thence to;

- (ix) A point at Lat. 29°01.1 N., Long. 89°16.1 W., thence to;
- (x) A point at Lat. 28°53.7 N., Long. 89°26.0 W., thence to;
- (xi) A point at Lat. 28°54.3 N., Long. 89°27.5 W., thence to;
- (xii) A point at Lat. 29°02.2 N., Long. 89°24.2 W., thence to;
- (xiii) A point at Lat. 29°11.8 N., Long. 89°30.0 W., thence to;
- (xiv) A point at Lat. 29°17.9 N., Long. 89°46.6 W., thence to;
- (xv) A point at Lat. 29°17.1 N., Long. 89°50.8 W., thence to;
- (xvi) A point at Lat. 29°14.5 N., Long. 89°58.1 W., thence to;
- (xvii) A point at Lat. 29°10.9 N., Long. 90°02.9 W., thence to;
- (xviii) A point at Lat. 29°05.5 N., Long. 90°10.0 W., thence to;
- (xix) A point at Lat. 29°04.5 N., Long. 90°12.0 W., thence to;
- (xx) A point at Lat. 29°02.0 N., Long. 90°20.8 W., thence to;
- (xxi) A point at Lat. 29°01.9 N., Long. 90°24.9 W., thence to;
- (xxii) A point at Lat. 29°03.6 N., Long. 90°32.8 W., thence to;
- (xxiii) A point at Lat. 29°01.9 N., Long. 90°41.7 W., thence to;
- (xxiv) A point at Lat. 29°00.8 N., Long. 90°50.0 W., thence to;
- (xxv) A point at Lat. 29°02.4 N., Long. 91°01.5 W., thence to;
- (xxvi) A point at Lat. 29°28.5 N., Long. 92°10.1 W., thence to;
- (xxvii) A point at Lat. 29°31.1 N., Long. 92°21.8 W., thence to;
- (xxviii) A point at Lat. 29°34.1 N., Long. 92°39.3 W., thence to;
- (xxix) A point at Lat. 29°41.1 N., Long. 92°57.2 W., thence to;
- (xxx) A point at Lat. 29°44.6 N., Long. 93°07.9 W., thence to;
- (xxxi) A point at Lat. 29°45.6 N., Long. 93°13.7 W., thence to;
- (xxxii) A point at Lat. 29°45.6 N., Long. 93°17.3 W., thence to;
- (xxxiii) A point at Lat. 29°44.3 N., Long. 93°21.0 W., thence to;
- (xxxiv) A point at Lat. 29°45.3 N., Long. 93°30.0 W., thence to;
- (xxxv) A point at Lat. 29°43.3 N., Long. 93°43.7 W., thence to;
- (xxxvi) A point at Lat. 29°41.0 N., Long. 93°48.8 W., thence to;
- (xxxvii) A point at Lat. 29°38.8 N., Long. 93°50.8 W., thence to;
- (xxxviii) A point at Lat. 29°40.0 N., Long. 93°57.3 W., thence to;
- (xxxix) A point at Lat. 29°39.3 N., Long. 94°05.0 W., thence to;
- (xl) A point at Lat. 29°27.0 N., Long. 94°37.0 W., thence to;
- (xli) A point at Lat. 29°23.1 N., Long. 94°42.6 W., thence to;
- (xlii) A point at Lat. 29°20.4 N., Long. 94°41.5 W., thence to;
- (xliii) A point at Lat. 29°06.6 N., Long. 95°04.4 W., thence to;
- (xliv) A point at Lat. 29°04.6 N., Long. 95°05.7 W., thence to;
- (xlv) A point at Lat. 29°02.0 N., Long. 95°10.0 W., thence to;
- (xlvi) A point at Lat. 28°57.3 N., Long. 95°16.2 W., thence to;
- (xlvii) A point at Lat. 28°55.3 N., Long. 95°17.9 W., thence to;
- (xlviii) A point at Lat. 28°39.5 N., Long. 95°48.4 W., thence to;
- (xlix) A point at Lat. 28°32.1 N., Long. 96°06.9 W., thence to;
- (l) A point at Lat. 28°28.4 N., Long. 96°17.8 W., thence to;
- (ii) A point at Lat. 28°23.6 N., Long. 96°21.5 W., thence to;
- (iii) A point at Lat. 28°19.7 N., Long. 96°23.3 W., thence to;
- (liii) A point at Lat. 28°19.3 N., Long. 96°25.2 W., thence to;
- (liiv) A point at Lat. 28°14.8 N., Long. 96°35.0 W., thence to;
- (liv) A point at Lat. 28°09.1 N., Long. 96°43.8 W., thence to;
- (lvi) A point at Lat. 28°02.4 N., Long. 96°52.2 W., thence to;
- (lvii) A point at Lat. 27°56.2 N., Long. 96°58.3 W., thence to;
- (lviii) A point at Lat. 27°52.8 N., Long. 97°01.1 W., thence to;
- (lix) A point at Lat. 27°49.3 N., Long. 97°03.0 W., thence to;
- (lx) A point at Lat. 27°46.4 N., Long. 97°05.6 W., thence to;
- (lxi) A point at Lat. 27°38.9 N., Long. 97°10.6 W., thence to;
- (lxii) A point at Lat. 27°28.3 N., Long. 97°16.2 W., thence to;
- (lxiii) A point at Lat. 27°21.9 N., Long. 97°18.9 W., thence to;
- (lxiv) A point at Lat. 27°13.7 N., Long. 97°21.2 W., thence to;
- (lxv) A point at Lat. 27°05.4 N., Long. 97°22.3 W., thence to;
- (lxvi) A point at Lat. 26°57.1 N., Long. 97°22.2 W., thence to;
- (lxvii) A point at Lat. 26°48.9 N., Long. 97°20.9 W., thence to;
- (lxviii) A point at Lat. 26°39.1 N., Long. 97°18.1 W., thence to;
- (lxix) A point at Lat. 26°28.8 N., Long. 97°14.3 W., thence to;
- (lxx) A point at Lat. 26°18.3 N., Long. 97°11.3 W., thence to;
- (lxxi) A point at Lat. 26°11.7 N., Long. 97°10.2 W., thence to;
- (lxxii) A point at Lat. 26°04.8 N., Long. 97°09.3 W., thence to;
- (lxxiii) A point at Lat. 26°04.2 N., Long. 97°08.8 W., thence to;
- (lxxiv) A point at Lat. 25°58.3 N., Long. 97°08.3 W.

(c) *Seismographic and surveying operations.* (1) All stakes and casings (pipes), except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water during seismographic or surveying operations shall be marked with flags during the daylight hours. Those casings remaining in place during the hours of darkness shall be marked by a red light as prescribed in Subpart 67.30 of this part.

(2) All buoys used during seismographic operations shall be painted with international orange and white horizontal bands. The buoys shall be of light construction in order that they will not present a hazard to marine commerce.

(d) *Spoil marking.* (1) All submerged spoil resulting from the dredging of channels, laying of pipelines, or any other operation, which constitutes an obstruction to navigation, shall be properly marked. The spoil banks should be examined at frequent intervals in order that the changing conditions may be kept under control. As markers are no longer required due to settling of banks, the Coast Guard will authorize their removal upon application.

(2) All openings in such submerged spoil shall be marked by daybeacons on each side of the openings. When spoil is located on each side of a channel or pipe line, each bank will be considered separately. The daybeacons shall be equipped with arrows designating the safe water through the opening. These daybeacons may also be used as channel markers for the dredged channels providing they are also equipped with arrows designating the spoil bank openings.

(3) When spoil banks constituting an obstruction to navigation abut an established traveled waterway, the outboard spoil bank markers shall be equipped with quick flashing lights described in Subpart 67.30 of this part, except that the color shall be in accordance with the provisions of Subpart 62.25 of Part 62 of this subchapter.

(e) *Applications.* All private aids to navigation applications and all correspondence dealing with private aids to navigation and obstruction lighting

shall be addressed to Commander, Eighth Coast Guard District, 328 Custom House Building, New Orleans, Louisiana, 70130 marked for the attention of the Chief, Aids to Navigation Section.

(f) *Enclosures.* Applicant's shall append on a separate sheet with each application, the description, including manufacturer, of obstruction lights and fog signals.

(g) *Corps of Engineers correspondence.* A copy of all correspondence directed to the District Engineer, Corps of Engineers, U.S. Army, in accordance with condition (i) of the Department of the Army permit, shall be forwarded to the District Commander for those operations conducted under permits authorizing the erection of structures in areas in which Class "A", Class "B", or Class "C" requirements must be met.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961; CGFR 65-34, 30 FR 9485, July 29, 1965; CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

§ 67.50-30 Ninth Coast Guard District.

(a) *Description.* See § 3.45-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

§ 67.50-35 Eleventh Coast Guard District.

(a) *Description.* See § 3.55-1 of this chapter.

(b) *Line of Demarcation.* The line of demarcation described in this section

§ 67.50-45

is for administrative purposes to distinguish between the areas in which structures shall be subject to Class "A", "B", or "C" requirements. The line delimits the areas to seaward of which class "A" requirements are imposed. The line of demarcation within the jurisdiction of the District Commander is defined as follows:

(1) Commencing at a point of latitude 41°59.8'N., longitude 124°19.5'W., thence southward along the seaward limit of the territorial sea to;

(2) A point at latitude 32°32.0'N, longitude 117°11.0'W.

(c) Structures located within a half nautical mile of Traffic Separation Scheme Los Angeles/Long Beach will also be subject to class "A" requirements. The traffic separation scheme is depicted on National Ocean Service Charts 18740, 18720, 18725, 18746, 18721.

[CGD11-86-02, 52 FR 37613, Oct. 8, 1987]

§ 67.50-45 Thirteenth Coast Guard District.

(a) *Description.* See § 3.65-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 62-25, 27 FR 8733, Aug. 31, 1962]

§ 67.50-50 Seventeenth Coast Guard District.

(a) *Description.* See § 3.85-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required it will be determined in accordance with § 67.01-

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20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

[CGFR 68-95, 33 FR 15285, Oct. 18, 1968]

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

Subpart 70.01—Interference With Aids to Navigation

Sec.

70.01-1 General provisions.

70.01-5 Penalty.

Subpart 70.05—Collision With or Damage to Aids to Navigation

70.05-1 General provisions.

70.05-5 Penalty.

70.05-10 Revocation of license.

70.05-15 Liability for damages.

70.05-20 Report required.

AUTHORITY: Secs. 14, 16, 30 Stat. 1153; secs. 84, 86, 92, 633, 642, 63 Stat. 501, 503, 545, 547 (33 U.S.C. 408, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Subpart 70.01—Interference With Aids to Navigation

§ 70.01-1 General provisions.

No person, excluding the Armed Forces, shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard, or any private aid to navigation established and maintained in accordance with Part 64, 66, 67, or 68 of this chapter.

[CGFR 58-17, 23 FR 3383, May 20, 1960]

§ 70.01-5 Penalty.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$500 for each offense, and each day during

which such violation shall continue shall be considered a new offense.

CGFR 52-15, 18 FR 12, Jan. 1, 1953]

Subpart 70.05—Collision With or Damage to Aids to Navigation

SOURCE: CGFR 52-15, 18 FR 12, Jan. 1, 1953, unless otherwise noted.

70.05-1 General provisions.

No person shall take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any aid to navigation established and maintained by the United States.

70.05-5 Penalty.

Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of § 70.05-1 shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$2,500 or less than \$500, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or both, one half of such fine to be paid to the person or persons giving information which shall lead to conviction.

70.05-10 Revocation of license.

Every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board any boat or vessel who shall willfully injure or destroy an aid to navigation established and maintained by the United States shall be deemed guilty of violating the provisions of § 70.05-1 and shall upon conviction be punished as provided in § 70.05-5 and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

70.05-15 Liability for damages.

Any boat, vessel, scow, raft or other craft used or employed in violating any of the provisions of § 70.05-1 shall be liable for the pecuniary penalties specified in § 70.05-5, and in addition thereto for the amount of damage

done by said boat, vessel, scow, raft or other craft, which may be proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof.

§ 70.05-20 Report required.

Whenever any vessel collides with an aid to navigation established and maintained by the United States or any private aid to navigation established or maintained in accordance with Part 64, 66, 67, or 68 of this subchapter, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection, in accordance with 46 CFR 136.05.

(R.S. 4456, as amended, sec. 4, 67 Stat. 462; 46 U.S.C. 239, 43 U.S.C. 1333)

[CGFR 58-17, 23 FR 3383, May 20, 1958, as amended by CGFR 61-55, 26 FR 12572, Dec. 28, 1961]

PART 72—MARINE INFORMATION

Subpart 72.01—Notices to Mariners

Sec.

- 72.01-1 Purpose.
- 72.01-5 Local Notice to Mariners.
- 72.01-10 Notice to Mariners.
- 72.01-15—72.01-20 (Reserved)
- 72.01-25 Marine broadcast notice to mariners.
- 72.01-30 Temporary deficiencies.
- 72.01-35 Change of address.
- 72.01-40 Single copies.

Subpart 72.05—Light Lists

- 72.05-1 Purpose.
- 72.05-5 Sales agencies.
- 72.05-10 Free distribution.

AUTHORITY: 14 U.S.C. 93, 49 CFR 1.46.

Subpart 72.01—Notices to Mariners

§ 72.01-1 Purpose.

The Coast Guard issues information concerning the establishment of aids to maritime navigation and the changes, discontinuances, and deficiencies, except temporary deficiencies that are easily correctable, of aids to maritime navigation maintained and operated by or under the authority of

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the Coast Guard in documents and marine broadcasts having the general title of "Notice to Mariners." This subpart describes the publications and the marine broadcasts.

[CGD 70-147R, 37 FR 10669, May 26, 1972]

§ 72.01-5 Local Notice to Mariners.

(a) "Local Notice to Mariners" reports changes to and deficiencies in aids to navigation that are established or maintained and operated by or under the authority of the Coast Guard, and any other information pertaining to the waterways within each Coast Guard district that is of interest to the mariner.

(b) "Local Notice to Mariners" is published and issued weekly by each Coast Guard district or more often if there is a need to notify mariners of local waterway information.

(c) Any person may apply to the local Coast Guard District Office to be placed on the mailing list for the "Local Notice to Mariners." The "Local Notice to Mariners" is mailed to the public free of charge.

[CGD 70-147R, 37 FR 10669, May 26, 1972]

§ 72.01-10 Notice to Mariners.

(a) "Notice to Mariners" is intended to advise mariners of new hydrographic discoveries, changes in channels and navigational aids, and information concerning the safety of navigation. "Notice to Mariners" also contains information—

(1) Useful in updating the latest editions of charts and publications of the Defense Mapping Agency Hydrographic/Topographic Center, National Ocean Service, U.S. Army Corps of Engineers, and Coast Guard;

(2) Selected from the "Local Notice to Mariners" issued and published by the 1st, 2nd, 5th, 7th, 8th, 9th, 11th, 13th, 14th, and 17th Coast Guard districts; and

(3) Compiled from foreign notices to mariners, ship reports, and similar cooperating observer reports.

(b) "Notice to Mariners" is published weekly by the Defense Mapping Agency Hydrographic/Topographic Center. The "Notice to Mariners" is prepared by the:

(1) Coast Guard

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(2) National Ocean Service; and

(3) Defense Mapping Agency Hydrographic/Topographic Center.

(c) This notice may be obtained of charge, upon request to the Director, Defense Mapping Agency, Office of Distribution Services, Code: D, Washington, DC 20315. Request should be based on an affirmative need for the information.

[CGD 70-147R, 37 FR 10669, May 26, 1972, as amended by CGD 72-185R, 37 FR 20,000, Oct. 3, 1972; CGD 85-042, 50 FR 50904, Dec. 13, 1985; CGD 87-008b, 52 FR 25218, July 1987]

§§ 72.01-15—72.01-20 [Reserved]

§ 72.01-25 Marine broadcast notice to mariners.

(a) The Coast Guard broadcasts notices to mariners on its own or on Navy radio stations to report navigational warnings containing information of importance to the safety of navigation of vessels, such as the position of ice and derelicts, defects, changes to aids to navigation, drifting mines. Radio stations broadcasting marine information are listed in "Radio Navigational Aids" (Defense Mapping Agency Hydrographic/Topographic Center publications 117A and 117B) and United States Coast Pilot.

(b) Any person may purchase "Radio Navigational Aids" from:

(1) Any authorized agent for the sale of Defense Mapping Agency Hydrographic/Topographic Center charts and publications whose names and addresses are contained in the Defense Mapping Agency Catalog of Marine Charts, and Related Products, Part I: Hydrographic Products.

(2) The Defense Mapping Agency Hydrographic/Topographic Center Depots or Offices.

(3) The Defense Mapping Agency Office of Distribution Services, Washington, DC 20315.

(c) Any person may purchase United States Coast Pilots from any authorized agent for the sale of National Ocean Service charts and publications whose names and addresses are contained in the National Ocean Service Chart Catalogs.

[CGD 85-042, 50 FR 50904, Dec. 13, 1985]

§ 72.01-30 Temporary deficiencies.

Temporary deficiencies in aids to navigation are not published in Notices to Mariners when it is known that the defects will be corrected promptly.

[CGFR 52-15, 18 FR 13, Jan. 1, 1953]

§ 72.01-35 Change of address.

Persons receiving Notices to Mariners are requested to notify the appropriate agency of any change in address, giving both old and new addresses, or when Notices to Mariners are no longer required.

[CGFR 52-15, 18 FR 13, Jan. 1, 1953]

§ 72.01-40 Single copies.

Single copies of the "Notice to Mariners" described in § 72.01-10 may be obtained or consulted at:

- (a) Coast Guard District Commanders' Offices;
- (b) National Ocean Service Field Offices;
- (c) The Defense Mapping Agency Hydrographic/Topographic Center; and
- (d) Custom Houses.

[CGD 70-147R, 37 FR 10670, May 26, 1972, as amended by CGFR 85-042, 50 FR 50904, Dec. 13, 1985]

Subpart 72.05—Light Lists

§ 72.05-1 Purpose.

(a) The Coast Guard publishes the following Light Lists annually, with the exception of Volume V, which is published biennially, covering the waters of the United States, its territories and possessions:

- (1) Volume I, Atlantic Coast, from St. Croix River, Maine to Ocean City Inlet, Maryland.
- (2) Volume II, Atlantic Coast, from Ocean City Inlet, Maryland to Little River, South Carolina.
- (3) Volume III, Atlantic Coast and Gulf of Mexico, from Little River, South Carolina to Econfina River, Florida, and the Greater Antilles.
- (4) Volume IV, Gulf of Mexico, from Econfina River, Florida to Rio Grande, Texas.
- (5) Volume V, Mississippi River System.

(6) Volume VI, Pacific Coast and Pacific Islands.

(7) Volume VII, Great Lakes.

(b) The Light Lists contain the official name, location, characteristics, and general description of federal, state, and private aids to navigation maintained by or under authority of the U.S. Coast Guard, which are placed in navigable waters used by general navigation. The Light Lists do not contain information concerning private aids to navigation maintained under the authority of the U.S. Coast Guard, which are placed in navigable waters not used by general navigation; nor do they contain information concerning mooring buoys and some special marks having no lateral significance such as fish net, dredging, and racing buoys.

(14 U.S.C. 93; 49 U.S.C. 108; 49 CFR 1.46)

[CGFR 60-63, 25 FR 8949, Sept. 17, 1960, as amended by CGFR 63-48, 28 FR 10379, Sept. 25, 1963; CGD 85-042, 50 FR 50904, Dec. 13, 1985; CGD 88-105, 54 FR 12612, Mar. 28, 1989]

§ 72.05-5 Sales agencies.

Each volume of the "Light List" is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, and through sales agents whose names are published in issue No. 13 of "Notice to Mariners" described in § 72.01-10. Notification of publication of a new edition of the "Light List" is published in the "Notice to Mariners" for the particular area that is covered as soon as the edition is available for distribution.

[CGD 70-147R, 37 FR 10670, May 26, 1972]

§ 72.05-10 Free distribution.

Official copies are distributed free of charge to Federal, State, and foreign governments, municipalities, libraries and other public institutions.

(R.S. 501, as amended, sec. 5, 38 Stat. 75; 44 U.S.C. 82, 84)

[CGFR 51-15, 18 FR 13, Jan. 1, 1953]

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Subpart 74.01—Charges to the Public

[Set

74.01-1 Claim for damage, destruction, or displacement.

74.01-10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

74.01-15 Charges for placement of temporary aids.

74.01-20 Deposit of payment in special account.

Subpart 74.20—Aids to Navigation Costs

74.20-1 Buoy and vessel use costs.

AUTHORITY: 14 U.S.C. 81, 85, 86, 92, 93, 141, 633, 642, 647; 49 CFR 1.46 (b).

SOURCE: CGFR 58-50, 24 FR 5608, July 11, 1959, unless otherwise noted.

Subpart 74.01—Charges to the Public

§ 74.01-1 Claim for damage, destruction, or displacement.

Whenever an aid to navigation is damaged, destroyed, or displaced from its station, a claim shall be made on behalf of the United States in accordance with Part 25 of this title.

[CGFR 70-7, 35 FR 4048, Mar. 4, 1970]

§ 74.01-10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

Charges for the establishment, maintenance, and replacement by the Coast Guard of an aid, either permanent or temporary, to mark a sunken wreck or other obstruction to navigation are calculated to recover the Coast Guard costs involved in, or associated with, the marking process. These charges will be invoiced to the owner of the obstruction. Charges for the removal of aids to navigation established by the Coast Guard will be invoiced to the owner unless the District Engineer requests the continued marking of the obstruction. All charges will be assessed in accordance with Subpart 74.20 of this part.

[CGD 81-051, 46 FR 15468, Apr. 11, 1983]

§ 74.01-15 Charges for placement of temporary aids.

Charges for placement of temporary aids will be reimbursable and in accordance with Subpart 74.20 of this part. Where the placement of temporary aids other than those specified is made, a reasonable equivalence will be determined, and charges made accordingly.

§ 74.01-20 Deposit of payment in special account.

Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, such person shall pay to the satisfaction of the Coast Guard the cost of repair or replacement of such property. The Coast Guard will accept and deposit such payment in a special account in the Treasury Department. Payment therefrom of the cost of repairing or replacing the damaged property. Funds collected in excess of the cost to make repairs or replacements shall be refunded.

Subpart 74.20—Aids to Navigation Costs

§ 74.20-1 Buoy and vessel use costs.

(a) The buoy and vessel use costs for establishing, maintaining, repairing, replacing, or removing an aid to navigation under the requirements of this part are contained in COMDTNORM 7310 (series) which is available at the Office of the Comptroller of the appropriate Coast Guard District Commander.

(b) Buoy and vessel use charges under this part are made for the cost or value of time, in hours, consumed by the Government vessel, including ship's complement, employed in marking the obstruction. No charge for time and expense of Coast Guard vessels is made when the marking of the obstruction causes only minimal interruption of routinely scheduled ship duty.

[CGD 81-051, 46 FR 15468, Apr. 11, 1983]

PART 76—SALE AND TRANSFER OF AIDS TO NAVIGATION EQUIPMENT

Subpart 76.01—Sale of Equipment

- Sec.
76.01-1 Sale of equipment not readily procurable.
76.01-5 Sale of condemned equipment.

Subpart 76.10—Federal Agencies

- 76.10-1 Exemption.

AUTHORITY: Sec. 92, 63 Stat. 503; sec. 641, 63 Stat. 547, as amended (14 U.S.C. 92, 641).
SOURCE: CGFR 52-15, 18 FR 14, Jan. 1, 1953, unless otherwise noted.

Subpart 76.01—Sale of Equipment

- § 76.01-1 Sale of equipment not readily procurable.

The Commandant is authorized to sell aids to navigation apparatus or equipment to foreign, state, or municipal governments or departments thereof; parties required to maintain private aids to navigation to mark wrecks, piers, or other obstructions; contractors engaged on public works; and in other cases in which in the judgment of the Commandant the public interest may be served: *Provided:*

(a) Such equipment has not been reported by the Coast Guard to the General Services Administration as excess (if the equipment has been reported to the General Services Administration as excess, the Commandant

will submit the request to that administration for further action); and

(b) Such equipment is not readily procurable in the open market. Requests to purchase such apparatus or equipment shall give sufficient reasons why the article or articles cannot be readily procured in the open market. If the Commandant considers that an article can be readily procured in the open market the prospective purchaser will be so informed, and given the names of dealers or manufacturers. Sales shall be invoiced at cost plus 25 percent for overhead. Proceeds of such sales shall be deposited in the Treasury to the credit of the current appropriation for operating expenses, Coast Guard.

- § 76.01-5 Sale of condemned equipment.

When any condemned supplies, materials, or equipment cannot be profitably used in work of the Coast Guard, they will be disposed of under appropriate regulations of the General Services Administration. Applications for purchase of such materials may be submitted to the Commandant who will process them for further action under the applicable regulations.

Subpart 76.10—Federal Agencies

- § 76.10-1 Exemption.

Nothing in this part shall be construed to affect the regulations concerning the transfer of supplies, materials, equipment, or land between other Federal agencies.

SUBCHAPTER D—INTERNATIONAL NAVIGATION RULES

SPECIAL NOTE: Application of the 72 COLREGS to territories and possessions.

a. Article III of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), done at London, October 20, 1972, as rectified by Proces-Verbal of December 1, 1973, provides that a party may notify the Secretary-General of the International Maritime Organization (IMO, formerly Inter-Governmental Maritime Consultative Organization or IMCO) that it extends the application of the Convention to territory for which it is responsible for international relations. Since it is the intention of the United States that the 72 COLREGS apply to all U.S. territories and possessions to the same extent that the International Regulations for Preventing Collisions at Sea, 1960 (60 COLREGS) (16 USC 794, TIAS 5813) previously applied, the United States has given notice to the Secretary-General that the provisions of the 1972 COLREGS are applicable on July 15, 1977, to the following territories and possessions for which the United States is responsible for international relations:

Puerto Rico
Guam
The Canal Zone
The Virgin Islands of the United States
American Samoa
The Trust Territory of the Pacific Islands
Midway Island
Wake Island
Johnston Island
Palmyra Island
Kingman Reef
Howland Island
Baker Island
Jarvis Island
Navassa Island

b. In accordance with Article III, other parties to the Convention have notified the Secretary-General that application of 72 COLREGS is extended. These parties with their territorial extensions are listed in Table 1.

TABLE 1. TERRITORIAL EXTENSIONS OF OTHER PARTIES TO 72 COLREGS

Party to convention	Territories to which 72 COLREGS are extended
United Kingdom.....	Hong Kong.

Because earlier formulations of the COLREGS were not elaborated as treaties, they came into force by the almost simultaneous enactment of domestic legislation by the

majority of maritime nations. The COLREGS were judicially considered as being customary international law, that is to say, international law based upon the consensus of maritime nations rather than upon an express instrument. Because 72 COLREGS was elaborated as a treaty, and under treaty practice only parties are bound, there may be a period of time after the 72 COLREGS come into force during which the ships of a nation not party to 72 COLREGS might not be considered as being bound to comply with the convention. While it is most likely that the 72 COLREGS will rapidly achieve the status of customary international law, thereby obviating any concern on the part of the mariner as to whether a particular nation is a party, it does not necessarily follow that the courts in all nations will apply 72 COLREGS to the vessels of a non-party nation. In the absence of change in their domestic law there may be certain nations that will feel compelled to continue 60 COLREGS in force, despite the coming into force of 72 COLREGS.

The following nations are Contracting Parties for which 72 COLREGS will apply upon the Convention's entry into force:

Algeria	Mexico
Bahamas	Monaco
Belgium	Netherlands
Brazil	New Zealand
Bulgaria	Nigeria
Canada	Norway
Denmark	Papua New Guinea
Finland	Poland
France	Romania
German Democratic Republic	South Africa
Germany, Federal Republic	Spain
Ghana	Sweden
Greece	Switzerland
Hungary	Syrian Arab Republic
Iceland	USSR
India	United Kingdom
Liberia	United States
	Yugoslavia
	Zaire

The following nations have accepted the 60 COLREGS but are not Contracting Parties to 72 COLREGS:

Argentina	Egypt
Australia	Fiji
Austria	Gambia
Barbados	Indonesia
Burma	Ireland
China	Israel
Cuba	Italy
Cyprus	Ivory Coast
Czechoslovakia	Jamaica
Ecuador	Japan

Coast Guard, DOT

Kuwait
Lebanon
Libyan Arab
Republic
Madagascar
Maldives
Morocco
Oman
Pakistan
Paraguay
Peru
Philippines
Portugal
Republic of Korea
Singapore
Surinam
Tonga
Trinidad & Tobago
Tunisia
Turkey
United Republic of
Cameroon

CGD 77-075, 42 FR 26976, May 26, 1977.
Redesignated by CGD 81-017, 46 FR 28153,
May 26, 1981]

PART 80—COLREGS DEMARCATION LINES

GENERAL

Sec.
80.01 General basis and purpose of demar-
cation lines.

ATLANTIC COAST

FIRST DISTRICT

80.105 Calais, ME to Cape Small, ME.
80.110 Casco Bay, ME.
80.115 Portland Head, ME to Cape Ann,
MA.
80.120 Cape Ann, MA to Marblehead Neck,
MA.
80.125 Marblehead Neck, MA to Nahant,
MA.
80.130 Boston Harbor entrance.
80.135 Hull, MA to Race Point, MA.
80.145 Race Point, MA to Watch Hill, RI.
80.150 Block Island, RI.
80.155 Watch Hill, RI to Montauk Point,
NY.
80.160 Montauk Point, NY to Atlantic
Beach, NY.
80.165 New York Harbor.
80.170 Sandy Hook, NJ to Tom's River, NJ.
80.801 Tom's River, NJ to Cape May, NJ.
80.503 Delaware Bay.

FIFTH DISTRICT

80.505 Cape Henlopen, DL to Cape
Charles, VA.
80.510 Chesapeake Bay Entrance, VA.
80.515 Cape Henry, VA to Cape Hatteras,
NC.
80.520 Cape Hatteras, NC to Cape Lookout,
NC.
80.525 Cape Lookout, NC to Cape Fear,
NC.
80.530 Cape Fear, NC to New River Inlet,
NC.

SEVENTH DISTRICT

80.703 Little River Inlet, SC to Cape
Romain, SC.

Part 80

80.707 Cape Romain, SC to Sullivans
Island, SC.
80.710 Charleston Harbor, SC.
80.712 Morris Island, SC to Hilton Head
Island, SC.
80.715 Savannah River.
80.717 Tybee Island, GA to St. Simons
Island, GA.
80.720 St. Simons Island, GA to Amelia
Island, FL.
80.723 Amelia Island, FL to Cape Canaver-
al, FL.
80.727 Cape Canaveral, FL to Miami
Beach, FL.
80.730 Miami Harbor, FL.
80.735 Miami, FL to Long Key, FL.

PUERTO RICO AND VIRGIN ISLANDS

SEVENTH DISTRICT

80.738 Puerto Rico and Virgin Islands.

GULF COAST

SEVENTH DISTRICT

80.740 Long Key, FL to Cape Sable, FL.
80.745 Cape Sable, FL to Cape Romano,
FL.
80.748 Cape Romano, FL to Sanibel Island,
FL.
80.750 Sanibel Island, FL to St. Petersburg,
FL.
80.753 St. Petersburg, FL to Anclote, FL.
80.755 Anclote, FL to the Suncoast Keys,
FL.
80.757 Suncoast Keys, FL to Horseshoe
Point, FL.
80.760 Horseshoe Point, FL to Rock Island,
FL.

EIGHTH DISTRICT

80.805 Rock Island, FL to Cape San Blas,
FL.
80.810 Cape San Blas, FL to Perdido Bay,
FL.
80.815 Mobile Bay, AL to the Chandeleur
Islands, LA.
80.825 Mississippi Passes, LA.
80.830 Mississippi Passes, LA to Point Au
Fer, LA.
80.835 Point Au Fer, LA to Calcasieu Pass,
LA.
80.840 Sabine Pass, TX to Galveston, TX.
80.845 Galveston, TX to Freeport, TX.
80.850 Brazos River, TX to the Rio
Grande, TX.

PACIFIC COAST

ELEVENTH DISTRICT

80.1102 Santa Catalina Island, CA.
80.1104 San Diego Harbor, CA.
80.1106 Mission Bay, CA.
80.1108 Oceanside Harbor, CA.
80.1110 Dana Point Harbor, CA.
80.1112 Newport Bay, CA.

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- 80.1114 San Pedro Bay—Anaheim Bay, CA.
- 80.1116 Redondo Harbor, CA.
- 80.1118 Marina Del Rey, CA.
- 80.1120 Port Hueneme, CA.
- 80.1122 Channel Islands Harbor, CA.
- 80.1124 Ventura Marina, CA.
- 80.1126 Santa Barbara Harbor, CA.
- 80.1130 San Luis Obispo Bay, CA.
- 80.1132 Estero—Morro Bay, CA.
- 80.1134 Monterey Harbor, CA.
- 80.1136 Moss Landing Harbor, CA.
- 80.1138 Santa Cruz Harbor, CA.
- 80.1140 Pillar Point Harbor, CA.
- 80.1142 San Francisco Harbor, CA.
- 80.1144 Bodega and Tomales Bay, CA.
- 80.1146 Albion River, CA.
- 80.1148 Noyo River, CA.
- 80.1150 Arcato—Humboldt Bay, CA.
- 80.1152 Crescent City Harbor, CA.

THIRTEENTH DISTRICT

- 80.1305 Chetco River, OR.
- 80.1310 Rogue River, OR.
- 80.1315 Coquille River, OR.
- 80.1320 Coos Bay, OR.
- 80.1325 Umpqua River, OR.
- 80.1330 Siuslaw River, OR.
- 80.1335 Alsea Bay, OR.
- 80.1340 Yaquina Bay, OR.
- 80.1345 Depoe Bay, OR.
- 80.1350 Netarts Bay, OR.
- 80.1355 Tillamook Bay, OR.
- 80.1360 Nehalem River, OR.
- 80.1365 Columbia River Entrance, OR/
WA.
- 80.1370 Willapa Bay, WA.
- 80.1375 Grays Harbor, WA.
- 80.1380 Quillayute River, WA.
- 80.1385 Strait of Juan de Fuca
- 80.1390 Haro Strait and Strait of Georgia
- 80.1395 Puget Sound and adjacent waters.

PACIFIC ISLANDS

FOURTEENTH DISTRICT

- 80.1410 Hawaiian Island Exemption from
General rule.
- 80.1420 Mamala Bay, Oahu, HI.
- 80.1430 Kaneohe Bay, Oahu, HI.
- 80.1440 Port Allen, Kauai, HI.
- 80.1450 Nawiliwili Harbor, Kauai, HI.
- 80.1460 Kahului Harbor, Maui, HI.
- 80.1470 Kawaihae Harbor, Hawaii, HI.
- 80.1480 Hilo Harbor, Hawaii, HI.
- 80.1490 Apra Harbor, U.S. Territory of
Guam.
- 80.1495 U.S. Pacific Island Possessions.

ALASKA

SEVENTEENTH DISTRICT

- 80.1705 Alaska.

AUTHORITY: 14 U.S.C. 633; 49 CFR 1.46.

SOURCE: CGD 77-118a, 42 FR 35784, July
11, 1977, unless otherwise noted. Redesignated by CGD 81-017, 46 FR 28184, May 1, 1981.

GENERAL

§ 80.01 General basis and purpose of demarcation lines.

(a) The regulations in this part establish the lines of demarcation separating those waters upon which navigators shall comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and those water upon which mariners shall comply with the Inland Navigation Rules.

(b) The waters inside of the lines of Inland Rules waters. The waters outside the lines are COLREGS waters.

(c) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83) unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after a correction of the appropriate correction that are published on the particular map or chart being used.

[CGD 82-029, 47 FR 19519, May 6, 1982, amended by CGD 83-003, 48 FR 7442, 18, 1983; CGD 86-082, 52 FR 33810, September 1987]

ATLANTIC COAST

FIRST DISTRICT

§ 80.105 Calais, ME to Cape Small, ME.

The 72 COLREGS shall apply in the harbors, bays, and inlets on the east coast of Maine from International Bridge at Calais, ME to the southernmost extremity of Bald Head Cape Small.

§ 80.110 Casco Bay, ME.

(a) A line drawn from the southernmost extremity of Bald Head Cape Small to the southeastern extremity of Ragged Island; thence to the southern tangent of Jewell Island thence to Little Mark Island Monument Light; thence to the southernmost extremity of Jewell Island

(b) A line drawn from the tower on Jewell Island charted in approximate position latitude 43°40.6' N. longitude 70°05.9' W. to the northeasternmost extremity of Outer Green Island.

(c) A line drawn from the southwesternmost extremity of Outer Green Island to Ram Island Ledge Light; thence to Portland Head Light.

§ 80.115 Portland Head, ME to Cape Ann, MA.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays, and inlets on the east coast of Maine, New Hampshire, and Massachusetts from Portland Head to Hall's Point at Cape Ann.

(b) A line drawn from the southernmost tower on Gerrish Island charted in approximate position latitude 43°04.0' N. longitude 70°41.2' W. to Whaleback Light; thence to Jaffrey Point Light 2A; thence to the northeasternmost extremity of Frost Point.

(c) A line drawn from the northernmost extremity of Farm Point to Antisquam Harbor Light.

CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 49 FR 7786, Mar. 6, 1986.]

§ 80.120 Cape Ann, MA to Marblehead Neck, MA.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays and inlets on the east coast of Massachusetts from Halibut Point at Cape Ann to Marblehead Neck.

(b) A line drawn from Gloucester Harbor Breakwater Light to the twin towers charted in approximate position latitude 42°35.1' N. longitude 70°41.6' W.

(c) A line drawn from the westernmost extremity of Gales Point to the easternmost extremity of House Island; thence to Bakers Island Light; thence to Marblehead Light.

CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

§ 80.125 Marblehead Neck, MA to Nahant, MA.

The 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from Marblehead Neck to the easternmost tower at Nahant, charted in approximate position latitude 42°25.4' N., longitude 70°54.6' W.

[CGD 79-066, 45 FR 15176, Mar. 10, 1980. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

§ 80.130 Boston Harbor entrance.

A line drawn from the easternmost tower at Nahant, charted in approximate position latitude 42°25.4' N., longitude 70°54.6' W., to Boston Lighted Horn Buoy "B"; thence to the easternmost radio tower at Hull, charted in approximate position latitude 42°16.7' N., longitude 70°52.6' W.

[CGD 79-066, 45 FR 15176, Mar. 10, 1980. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

§ 80.135 Hull, MA to Race Point, MA.

(a) Except inside lines described in this section, the 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from the easternmost radio tower at Hull, charted in approximate position latitude 42°16.7' N., longitude 70°52.6' W., to Race Point on Cape Cod.

(b) A line drawn from Canal Breakwater Light 4 south to the shoreline.

[CGD 77-118a, 42 FR 35784, July 11, 1977, as amended by CGD 79-066, 45 FR 15176, Mar. 10, 1980. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986]

§ 80.145 Race Point, MA, to Watch Hill, RI.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the sounds, bays, harbors, and inlets along the coast of Cape Cod and the southern coasts of Massachusetts and Rhode Island from Race Point to Watch Hill.

(b) A line drawn from Nobska Point Light to Tarpaulin Cove Light on the southeastern side of Naushon Island; thence from the southernmost tangent of Naushon Island to the eastern-

most extremity of Nashawena Island; thence from the southwestern most extremity of Nashawena Island to the easternmost extremity of Cuttyhunk Island; thence from the southwestern tangent of Cuttyhunk Island to the tower on Gooseberry Neck charted in approximate position latitude 41°29.1' N. longitude 71°02.3' W.

(c) A line drawn from Sakonnet Breakwater Light 2 tangent to the southernmost part of Sachuest Point charted in approximate position latitude 41°28.5' N. longitude 71°14.8' W.

(d) An east-west line drawn through Beavertail Light between Brenton Point and the Boston Neck shoreline.

[CGD 77-118a, 42 FR 35784, July 11, 1977, as amended by CGD 79-036, 44 FR 22458, Apr. 16, 1979. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986]

§ 80.150 Block Island, RI.

The 72 COLREGS shall apply on the harbors of Block Island.

THIRD DISTRICT

§ 80.155 Watch Hill, RI to Montauk Point, NY.

(a) A line drawn from Watch Hill Light to East Point on Fishers Island.

(b) A line drawn from Race Point to Race Rock Light; thence to Little Gull Island Light thence to East Point on Plum Island.

(c) A line drawn from Plum Island Harbor East Dolphin Light to Plum Island Harbor West Dolphin Light.

(d) A line drawn from Plum Island Light to Orient Point Light; thence to Orient Point.

(e) A line drawn from the lighthouse ruins at the southwestern end of Long Beach Point to Cornelius Point.

(f) A line drawn from Coecles Harbor Entrance Light to Sungic Point.

(g) A line drawn from Nichols Point to Cedar Island Light.

(h) A line drawn from Threemile Harbor West Breakwater Light to Threemile Harbor East Breakwater Light.

(i) A line drawn from Montauk West Jetty Light 1 to Montauk East Jetty Light 2.

[CGD 77-118a, 42 FR 35784, July 11, 1977, as amended by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.160 Montauk Point, NY to Sandy Hook, NJ.

(a) A line drawn from the Sandy Hook Inlet East Breakwater Light to the Sandy Hook Inlet West Breakwater Light 1.

(b) A line drawn from Moriches Inlet East Breakwater Light to Moriches Inlet West Breakwater Light.

(c) A line drawn from Fire Island Inlet Breakwater Light 348° true to the southernmost extremity of the spit of land at the western end of Fire Island Beach.

(d) A line drawn from Jones Inlet Light 322° true across the southern tangent of the island on the north side of Jones Inlet to the shoreline.

[CGD 77-118a, 42 FR 35784, July 11, 1977, as amended by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.165 New York Harbor.

A line drawn from East Rockaway Inlet Breakwater Light to Sandy Hook Light.

[CGD 77-118a, 42 FR 35784, July 11, 1977, as amended by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.170 Sandy Hook, NJ to Tom's River, NJ.

(a) A line drawn from Shark River Inlet North Breakwater Light 1 to Shark River Inlet South Breakwater Light 1.

(b) A line drawn from Manasquan Inlet North Breakwater Light 4 to Manasquan Inlet South Breakwater Light 3.

(c) A line drawn from Barnegat Inlet North Breakwater Light 4A to the seaward extremity of the submerged breakwater at Barnegat Inlet South Breakwater; thence along the submerged breakwater to the shoreline.

[CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.501 Tom's River, NJ to Cape May, NJ.

(a) A line drawn from the seaward tangent of Long Beach Island to the seaward tangent to Pullen Island across Beach Haven and Little Egg inlets.

(b) A line drawn from the seaward tangent of Pullen Island to the seaward tangent of Brigantine Island across Brigantine Inlet.

(c) A line drawn from the seaward extremity of Absecon Inlet.

(d) A line drawn from the southernmost point of Longport at latitude $39^{\circ}18.2'$ N. longitude $75^{\circ}32.2'$ W. to the northeasternmost point of Ocean City at latitude $39^{\circ}17.6'$ N. longitude $74^{\circ}33.1'$ W. across Great Egg Harbor Inlet. North Jetty to Atlantic City Light.

(e) A line drawn parallel with the general trend of highwater shoreline across Corson Inlet.

(f) A line formed by the centerline of the Townsend Inlet Highway Bridge.

(g) A line formed by the shoreline of Seven Mile Beach and Hereford Inlet Light.

(h) A line drawn from Cape May Inlet East Jetty Light to Cape May Inlet West Jetty Light.

[CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.503 Delaware Bay.

A line drawn from Cape May Light to Harbor of Refuge Light; thence to the northernmost extremity of Cape Henlopen.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.505 Cape Henlopen, DL to Cape Charles, VA.

(a) A line drawn from the seaward extremity of Indian River Inlet North Jetty to Indian River Inlet South Jetty Light.

(b) A line drawn from Ocean City Inlet Light 6, 225' true across Ocean City Inlet to the submerged south breakwater.

(c) A line drawn from Assateague Beach Tower Light to the tower charted at latitude $37^{\circ}52.6'$ N. longitude $75^{\circ}26.7'$ W.

(d) A line formed by the range of Wachapreague Inlet Light 3 and Parramore Beach Lookout Tower drawn across Wachapreague Inlet.

(e) A line drawn from the lookout tower charted on the northern end of Hog Island to the seaward tangent of Parramore Beach.

(f) A line drawn 207° true from the lookout tower charted on the southern end of Hog Island across Great Machipongo Inlet.

(g) A line formed by the range of the two cupolas charted on the southern end of Cobb Island drawn across Sand Shoal Inlet.

(h) Except as provided elsewhere in this section from Cape Henlopen to Cape Charles, lines drawn parallel with the general trend of the high-water shoreline across the entrances to small bays and inlets.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986]

§ 80.510 Chesapeake Bay Entrance, VA.

A line drawn from Cape Charles Light to Cape Henry Light.

§ 80.515 Cape Henry, VA to Cape Hatteras, NC.

(a) A line drawn from Rudee Inlet Jetty Light 2 to Rudee Inlet Jetty Light 1.

(b) A line formed by the centerline of the highway bridge across Oregon Inlet.

§ 80.520 Cape Hatteras, NC to Cape Lookout, NC.

(a) A line drawn from Hatteras Inlet Lookout Tower ($30^{\circ}11.8'$ N $75^{\circ}44.9'$ W) 255' true to the eastern end of Ocracoke Island.

(b) A line drawn from the westernmost extremity of Ocracoke Island at latitude $35^{\circ}04.0'$ N. longitude $76^{\circ}00.8'$ W. to the northeastern extremity of Portsmouth Island at latitude $35^{\circ}03.7'$ N. longitude $76^{\circ}02.3'$ W.

(c) A line drawn across Drum Inlet parallel with the general trend of the highwater shoreline.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154,

§ 80.525

May 26, 1981, and amended by CGD 84-091, 51 FR 21748, June 16, 1986]

§ 80.525 Cape Lookout, NC to Cape Fear, NC.

(a) A line drawn from Cape lookout Light to the seaward tangent of the southeastern end of Shackleford Banks.

(b) A line drawn from Morehead City Channel Range Front Light to the seaward extremity of the Beaufort Inlet west jetty.

(c) A line drawn from the southernmost extremity of Bogue Banks at latitude 34°38.7' N. longitude 77°06.0' W. across Bogue Inlet to the northernmost extremity of Bear Beach at latitude 34°38.5' N. longitude 77°07.1' W.

(d) A line drawn from the southeasternmost extremity on the southwest side of New River Inlet at latitude 34°31.5' N. longitude 77°20.6' W. to the seaward tangent of the shoreline on the northeast side on New River Inlet.

(e) A line drawn across New Topsail Inlet between the closest extremities of the shore on either side of the inlet from latitude 34°20.8' N. longitude 77°39.2' W. to latitude 34°20.6' N. longitude 77°39.6' W.

(f) A line drawn from the seaward extremity of the jetty on the northeast side of Masonboro Inlet to the seaward extremity of the jetty on the southeast side of the Inlet.

(g) Except as provided elsewhere in this section from Cape Lookout to Cape Fear, lines drawn parallel with the general trend of the highwater shoreline across the entrance of small bays and inlets.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986]

§ 80.530 Cape Fear, NC to Little River Inlet, NC.

(a) A line drawn from the abandoned lighthouse charted in approximate position latitude 33°52.4' N. longitude 78°00.1' W. across the Cape Fear River Entrance to Oak Island Light.

(b) Except as provided elsewhere in this section from Cape Fear to Little River Inlet, lines drawn parallel with the general trend of the highwater

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shoreline across the entrance to small inlets.

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§ 80.703 Little River Inlet, SC to Cape Romain, SC.

(a) A line drawn from the westernmost extremity of the sand spit of Bird Island to the easternmost extremity of Waties Island across Little River Inlet.

(b) Lines drawn parallel with the general trend of the highwater shoreline across Hog Inlet, Murrelets Inlet, Midway Inlet, Pawleys Inlet, and North Inlet.

(c) A line drawn from the charted position of Winyah Bay North Jetty End Buoy 2N south to the Winyah Bay South Jetty.

(d) A line drawn from Santee Point to the seaward tangent of Cape Island.

(e) A line drawn from Cedar Island Point west to Murphy Island.

(f) A north-south line (longitude 79°20.3' W.) drawn from Murphy Island to the northernmost extremity of Cape Island Point.

§ 80.707 Cape Romain, SC to Sullivan Island, SC.

(a) A line drawn from the western extremity of Cape Romain 292' true to Racoon Key on the west side of Racoon Creek.

(b) A line drawn from the westernmost extremity of Sandy Point across Bull Bay to the northernmost extremity of Northeast Point.

(c) A line drawn from the southernmost extremity of Bull Island to the easternmost extremity of Cape Island.

(d) A line formed by the overhead power cable from Capers Island to Dewees Island.

(e) A line formed by the overhead power cable from Dewees Island to Isle of Palms.

(f) A line formed by the centerline of the highway bridge between Isle of Palms and Sullivan Island to Breach Inlet.

§ 80.710 Charleston Harbor, SC.

- (a) A line formed by the submerged north jetty from the shore to the west end of the north jetty.
- (b) A line drawn from across the seaward extremity of the Charleston Harbor Jetties.
- (c) A line drawn from the west end of the South Jetty across the South Entrance to Charleston Harbor to shore on a line formed by the submerged south jetty.

§ 80.712 Morris Island, SC to Hilton Head Island, SC.

- (a) A line drawn from the easternmost tip of Folly Island to the abandoned lighthouse tower on the north side of Lighthouse Inlet; thence west to the shoreline of Morris Island.
- (b) A straight line drawn from the seaward tangent of Folly Island through Folly River Daybeacon 10 across Stono River to the shoreline of Sandy Point.
- (c) A line drawn from the southernmost extremity of Seabrook Island 257° true across the North Edisto River Entrance to the shore of Botany Bay Island.
- (d) A line drawn from the microwave antenna tower on Edisto Beach charted in approximate position latitude 32°29.3' N. longitude 80°19.2' W. across St. Helena Sound to the abandoned lighthouse tower on Hunting Island.
- (e) A line formed by the centerline of the highway bridge between Hunting Island and Fripp Island.
- (f) A line drawn from the westernmost extremity of Bull Point on Capers Island to Port Royal Sound Channel Range Rear Light, latitude 32°13.7' N. longitude 80°36.0' W.; thence 259° true to the easternmost extremity of Hilton Head at latitude 32°13.0' N. longitude 80°40.1' W.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986]

§ 80.715 Savannah River.

- A line drawn from the southernmost tank on Hilton Head Island charted in approximate position latitude 32°06.7' N. longitude 80°49.3' W. to Bloody

Point Range Rear Light; thence to Tybee (Range Rear) Light.

§ 80.717 Tybee Island, GA to St. Simons Island, GA.

- (a) A line drawn from the southernmost extremity of Savannah Beach on Tybee Island 255° true across Tybee Inlet to the shore of Little Tybee Island south of the entrance to Buck Hammock Creek.
- (b) A straight line drawn from the northeasternmost extremity of Wassaw Island 031° true through Tybee River Daybeacon 1 to the shore of Little Tybee Island.
- (c) A line drawn approximately parallel with the general trend of the highwater shorelines from the seaward tangent of Wassaw Island to the seaward tangent of Bradley Point on Ossabaw Island.
- (d) A north-south line (longitude 81°8.4' W.) drawn from the southernmost extremity of Ossabaw Island to St. Catherines Island.
- (e) A north-south line (longitude 81°10.6' W.) drawn from the southernmost extremity of St. Catherines Island to Northeast Point on Blackbeard Island.
- (f) A line following the general trend of the seaward highwater shoreline across Cabretta Inlet.
- (g) A north-south line (longitude 81°16.9' W.) drawn from the southwesternmost point on Sapelo Island to Wolf Island.
- (h) A north-south line (longitude 81°17.1' W.) drawn from the southeasternmost point of Wolf Island to the northeasternmost point on Little St. Simons Island.
- (i) A line drawn from the northeasternmost extremity of Sea Island 045° true to Little St. Simons Island.
- (j) An east-west line from the southernmost extremity of Sea Island across Coulds Inlet to St. Simons Island.

§ 80.720 St. Simons Island, GA to Amelia Island, FL.

- (a) A line drawn from St. Simons Light to the northernmost tank on Jekyll Island charted in approximate position latitude 31°05.9' N. longitude 81°24.5' W.

(b) A line drawn from the southernmost tank on Jekyll Island charted in approximate position latitude 31°01.6' N. longitude 81°25.2' W. to coordinate latitude 30°59.4' N. longitude 81°23.7' W. (0.5 nautical mile east of the charted position of St. Andrew Sound Lighted Buoy 32); thence to the abandoned lighthouse tower on the north end of Little Cumberland Island charted in approximate position latitude 30°58.5' N. longitude 81°24.8' W.

(c) A line drawn across the seaward extremity of the St. Marys River Entrance Jetties.

§ 80.723 Amelia Island, FL to Cape Canaveral, FL.

(a) A line drawn from the southernmost extremity of Amelia Island to the northeasternmost extremity of Little Talbot Island.

(b) A line formed by the centerline of the highway bridge from Little Talbot Island to Fort George Island.

(c) A line drawn across the seaward extremity of the St. Johns River Entrance Jetties.

(d) A line drawn across the seaward extremity of the St. Augustine Inlet Jetties.

(e) A line formed by the centerline of the highway bridge over Matanzas Inlet.

(f) A line drawn across the seaward extremity of the Ponce de Leon Inlet Jetties.

§ 80.727 Cape Canaveral, FL to Miami Beach, FL.

(a) A line drawn across the seaward extremity of the Port Canaveral Entrance Channel Jetties.

(b) A line drawn across the seaward extremity of the Sebastian Inlet Jetties.

(c) A line drawn across the seaward extremity of the Fort Pierce Inlet Jetties.

(d) A north-south line (longitude 80°09.7' W.) drawn across St. Lucie Inlet.

(e) A line drawn from the seaward extremity of Jupiter Inlet North Jetty to the northeast extremity of the concrete apron on the south side of Jupiter Inlet.

(f) A line drawn across the seaward extremity of the Lake Worth Inlet Jetties.

(g) A line drawn across the seaward extremity of the Boynton Inlet Jetties.

(h) A line drawn from Boca Raton Inlet North Jetty Light 2 to Boca Raton Inlet South Jetty Light 1.

(i) A line drawn from Hillsboro Inlet Light to Hillsboro Inlet Entrance Light 2; thence to Hillsboro Inlet Entrance Light 1; thence west to the shoreline.

(j) A line drawn across the seaward extremity of the Port Everglades Entrance Jetties.

(k) A line formed by the centerline of the highway bridge over Rake Haulover Inlet.

[CGD 77-118a, 42 FR 35784, July 11, 1977; Redesignated by CGD 81-017, 46 FR 28101, May 26, 1981, and amended by CGD 84-051, 51 FR 7786, Mar. 6, 1986]

§ 80.730 Miami Harbor, FL.

A line drawn across the seaward extremity of the Miami Harbor Government Cut Jetties.

§ 80.735 Miami, FL to Long Key, FL.

(a) A line drawn from the southernmost extremity of Fisher Island true to the point latitude 25°45.0' N. longitude 80°08.6' W. on Virginia Key.

(b) A line formed by the centerline of the highway bridge between Virginia Key and Key Biscayne.

(c) A line drawn from Cape Florida Light to Biscayne Channel Light; thence to the northernmost extremity on Soldier Key.

(d) A line drawn from the southernmost extremity on Soldier Key to the northernmost extremity of the Ragged Keys.

(e) A line drawn from the Ragged Keys to the southernmost extremity of Angelfish Key following the general trend of the seaward shoreline.

(f) A line drawn on the centerline of the Overseas Highway (U.S. 1) at bridges from latitude 25°19.3' N. longitude 80°16.0' W. at Little Angelfish Creek to the radar dome charted at Long Key at approximate position latitude 24°49.3' N. longitude 80°49.2' W.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, as amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986; 51 FR 21748, June 16, 1986]

PUERTO RICO AND VIRGIN ISLANDS

SEVENTH DISTRICT

§ 80.738 Puerto Rico and Virgin Islands.

- (a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on all other bays, harbors and lagoons of Puerto Rico and the U.S. Virgin Islands.
- (b) A line drawn from Puerto San Juan Light to Cabras Light across the entrance of San Juan Harbor.

GULF COAST

SEVENTH DISTRICT

§ 80.740 Long Key, FL to Cape Sable, FL.

A line drawn from the microwave tower charted on Long Key at approximate position latitude 24°48.8' N, longitude 80°49.6' W, to Long Key Light 1; thence to Arsenic Bank Light 2; thence to Sprigger Bank Light 5; thence to Schooner Bank Light 6; thence to Oxford Bank Light 10; thence to East Cape Light 2; thence through East Cape Daybeacon 1A to the shoreline at East Cape.

[CGD 84-091, 51 FR 21748, June 16, 1986]

§ 80.745 Cape Sable, FL to Cape Romano, FL.

- (a) A line drawn following the general trend of the mainland, highwater shoreline from Cape Sable at East Cape to Little Shark River Light 1; thence to westernmost extremity of Shark Point; thence following the general trend of the mainland, highwater shoreline crossing the entrances of Jarney River, Broad Creek, Broad River, Rodgers River First Bay, Chatham River, Huston River, to the shoreline at coordinate latitude 3°41.8' N, longitude 81°17.9' W.

- (b) The 72 COLREGS shall apply to the waters surrounding the Ten Thousand Islands and the bays, creeks, inlets, and rivers between Chatham Sound and Marco Island except inside lines specifically described in this part.

- (c) A north-south line drawn at longitude 81°20.2' W, across the entrance to Lopez River.

- (d) A line drawn across the entrance to Turner River parallel to the general trend of the shoreline.

- (e) A line formed by the centerline of Highway 92 Bridge at Goodland.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986]

§ 80.748 Cape Romano, FL to Sanibel Island, FL.

- (a) A line drawn across Big Marco Pass parallel to the general trend of the seaward, highwater shoreline.

- (b) A line drawn from the northwesternmost extremity of Coconut Island 000°T across Capri Pass.

- (c) Lines drawn across Hurricane and Little Marco Passes parallel to the general trend of the seaward, highwater shoreline.

- (d) A line from the seaward extremity of Gordon Pass South Jetty 014° true to the shoreline at approximate coordinate latitude 26°05.7' N, longitude 81°48.1' W.

- (e) A line drawn across the seaward extremity of Doctors Pass Jetties.

- (f) Lines drawn across Wiggins, Big Hickory, New, and Big Carlos Passes parallel to the general trend of the seaward highwater shoreland.

- (g) A straight line drawn from Sanibel Island Light through Matanzas Pass Channel Light 2 to the shore of Estero Island.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977, as amended by CGD 78-052, 44 FR 69298, Dec. 3, 1979. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7786, Mar. 6, 1986]

§ 80.750 Sanibel Island, FL to St. Petersburg, FL.

- (a) Lines drawn across Redfish and Captiva Passes parallel to the general trend of the seaward, highwater shorelines.

- (b) A line drawn from La Costa Test Pile North Light to Port Boca Grande Light.

- (c) Lines drawn across Gasparilla and Stump Passes parallel to the gen-

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eral trend of the seaward, highwater shorelines.

(d) A line across the seaward extremity of Venice Inlet Jetties.

(e) A line drawn across Midnight Pass parallel to the general trend of the seaward, highwater shoreline.

(f) A line drawn from Big Sarasota Pass Light 14 to the southernmost extremity of Lido Key.

(g) A line drawn across New Pass tangent to the seaward, highwater shoreline of Longboat Key.

(h) A line drawn across Longboat Pass parallel to the seaward, highwater shoreline.

(i) A line drawn from the northwest-most extremity of Bean Point to the southeasternmost extremity of Egmont Key.

(j) A straight line drawn from Egmont Key Light through Egmont Channel Range Rear Light to the shoreline on Mullet Key.

(k) A line drawn from the northernmost extremity of Mullet Key across Bunces Pass and South Channel to Pass-a-Grille Channel Light 8; thence to Pass-a-Grille Channel Daybeacon 9; thence to the southwesternmost extremity of Long Key.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

§ 80.753 St. Petersburg, FL to the Anclote, FL.

(a) A line drawn across Blind Pass parallel with the general trend of the seaward, highwater shoreline.

(b) Lines formed by the centerline of the highway bridges over Johns and Clearwater Passes.

(c) A line drawn across Dunedin and Hurricane Passes parallel with the general trend of the seaward, highwater shoreline.

(d) A line drawn from the northernmost extremity of Honeymoon Island to Anclote Anchorage South Entrance Light 7; thence to Anclote Key 28°10.0' N. 82°50.6' W; thence a straight line through Anclote River Cut B Range Rear Light to the shoreline.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154,

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May 26, 1981, and amended by CGD 84-091, 51 FR 21748, June 16, 1986]

§ 80.755 Anclote, FL to the Suncoast FL.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, marinas, and rivers from Anclote to the Suncoast Keys.

(b) A north-south line drawn at latitude 82°38.3' W. across the Chahowitzka River Entrance.

§ 80.757 Suncoast Keys, FL to Horseshoe Point, FL.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, and marinas from the Suncoast Keys to Horseshoe Point.

(b) A line formed by the centerline of Highway 44 Bridge over the Suwannee River.

(c) A north-south line drawn through Crystal River Entrance Daybeacon 25 across the river entrance.

(d) A north-south line drawn through the Cross Florida Causeway Canal Daybeacon 48 across the canal.

(e) A north-south line drawn through Withlacoochee River Daybeacon 40 across the river.

(f) A line drawn from the westernmost extremity of South Point north to the shoreline across the Waccamaw River Entrance.

(g) A line drawn from position latitude 29°16.6' N. longitude 83°06.7' W. 300' true to the shoreline of Little Island.

(h) A north-south line drawn through Suwannee River Wadley Pass Channel Daybeacons 30 and 31 across the Suwannee River.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

§ 80.760 Horseshoe Point, FL to Rock Island, FL.

(a) Except inside lines specifically described provided in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, marinas, and rivers from Horseshoe Point to the Rock Islands.

- (b) A north-south line drawn through Steinhatchee River Light 21.
- (c) A line drawn from Fenholloway River Approach Light FR east across the entrance to Fenholloway River.

EIGHTH DISTRICT

§ 80.885 Rock Island, FL to Cape San Blas, FL.

- (a) A south-north line drawn from the Econfinia River Light to the opposite shore.
- (b) A line drawn from Gamble Point Light to the southernmost extremity of Cabell Point.
- (c) A line drawn from St. Mark's (Range Rear) Light to St. Mark's Channel Light 11; thence to the southernmost extremity of Live Oak Point; thence in a straight line through Shell Point Light to the southernmost extremity of Ochlockonee Point; thence to Bald Point along longitude 84°20.5' W.

- (d) A line drawn from the south shore of Southwest Cape at longitude 84°22.7' W. to Dog Island Reef East Light 1; thence to Turkey Point Light 2; thence to the easternmost extremity of Dog Island.

- (e) A line drawn from the westernmost extremity of Dog Island to the easternmost extremity of St. George Island.

- (f) A line drawn across the seaward extremity of the St. George Island Channel Jetties.

- (g) A line drawn from the northwest-most extremity of Sand Island to West Pass Light 7.

- (h) A line drawn from the westernmost extremity of St. Vincent Island to the southeast, highwater shoreline of Indian Peninsula at Longitude 85°13.5' W.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

§ 80.810 Cape San Blas, FL to Perdido Bay, FL.

- (a) A line drawn from St. Joseph Bay Entrance Range A Rear Light through St. Joseph Bay Entrance Range B Front Light to St. Joseph Point.

- (b) A line drawn across the mouth of Salt Creek as an extension of the general trend of the shoreline to continue across the inlet to St. Andrews sound in the middle of Crooked Island.

- (c) A line drawn from the northernmost extremity of Crooked Island 000' T. to the mainland.

- (d) A line drawn from the easternmost extremity of Shell Island 120' true to the shoreline across the east entrance to St. Andrews Bay.

- (e) A line drawn between the seaward end of the St. Andrews Bay Entrance Jetties.

- (f) A line drawn between the seaward end of the Choctawatchee Bay Entrance Jetties.

- (g) An east-west line drawn from Fort McRee Leading Light across the Pensacola Bay Entrance along latitude 30°19.5' N.

- (h) A line drawn between the seaward end of the Perdido Pass Jetties.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

§ 80.815 Mobile Bay, AL to the Chandeleur Islands, LA.

- (a) A line drawn across the inlets to Little Lagoon as an extension of the general trend of the shoreline.

- (b) A line drawn from Mobile Point Light to Dauphin Island Channel Light No. 1 to the eastern corner of Fort Gaines at Pelican Point.

- (c) A line drawn from the westernmost extremity of Dauphin Island to the easternmost extremity of Petit Bois Island.

- (d) A line drawn from Horn Island Pass Entrance Range Front Light on Petit Bois Island to the easternmost extremity of Horn Island.

- (e) An east-west line (latitude 30°14.7' N.) drawn between the westernmost extremity of Horn Island to the easternmost extremity of Ship Island.

- (f) A curved line drawn following the general trend of the seaward, high-water shoreline of Ship Island.

- (g) A line drawn from Ship Island Light; thence to Chandeleur Light; thence in a curved line following the general trend of the seaward, high-

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water shorelines of the Chandeleur Islands to the island at coordinate latitude 29°31.1' N. longitude 89°05.7' W.; thence to Brenton Island Light located at latitude 29°29.1' N. longitude 89°09.7' W.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

§ 80.825 Mississippi Passes, LA.

(a) A line drawn from Brenton Island Light to coordinate latitude 29°21.5' N. longitude 89°11.7' W.

(b) A line drawn from coordinate latitude 29°21.5' N. longitude 89°11.7' W. following the general trend of the seaward, highwater shoreline in a southeasterly direction to coordinate latitude 29°15.3' N. longitude 89°06.5' W.; thence to coordinate latitude 29°13.3' N. longitude 89°01.7' W. located on the northwest bank of North Pass.

(c) A line drawn from coordinate latitude 29°13.0' N. longitude 89°01.3' W., to coordinate latitude 29°12.7' N. longitude 89°00.9' W.; thence to coordinate latitude 29°10.6' N. longitude 88°59.8' W.; thence to coordinate latitude 29°03.5' N. longitude 89°03.7' W.; thence to Mississippi River South Pass East Jetty Light 4.

(d) A line drawn from Mississippi River South Pass East Jetty Light 4 to Mississippi River South Pass West Jetty Light; thence following the general trend of the seaward highwater shoreline in a northwesterly direction to coordinate latitude 29°03.4' N. longitude 89°13.0' W.; thence west to coordinate latitude 29°03.5' N., longitude 89°15.5' W., thence following the general trend of the seaward, highwater shoreline in a southwesterly direction to Mississippi River Southwest Pass Entrance Light.

(e) A line drawn from Mississippi River Southwest Pass Entrance Light; thence to the seaward extremity of the Southwest Pass West Jetty located at coordinate latitude 28°54.5' N. longitude 89°26.1' W.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

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§ 80.830 Mississippi Passes, LA to Point Au Fer, LA.

(a) A line drawn from the seaward extremity of the Southwest Pass West Jetty located at coordinate latitude 28°54.5' N. longitude 89°26.1' W. thence following the general trend of the seaward, highwater jetty and shoreline in a north, northeasterly direction to Old Tower latitude 28°50.1' N. longitude 89°23.3' W.; thence to West Bay light; thence to coordinate latitude 29°05.2' N. longitude 89°26.2' W.; thence a curved line following the general trend of the highwater shoreline to Point Au Fer Island except as otherwise described in this section.

(b) A line drawn across the seaward extremity of the Empire Waterway (Bayou Fontanelle) entrance jetty.

(c) An east-west line drawn from the westernmost extremity of Grand Terre Islands in the direction of 100° true to the Grand Isle Fishing Jetty Light.

(d) A line drawn between the seaward extremity of the Belle Pass Jetties.

(e) A line drawn from the westernmost extremity of the Timbalé Island to the easternmost extremity of Isles Dernieres.

(f) A south-north line drawn from Caillou Bay Light 13 across Caillou Bay.

(g) A line drawn 107° true from Caillou Bay Boat Landing Light across the entrances to Grand Bayou du Large and Bayou Grand Caillou.

(h) A line drawn on an axis of 105° true through Taylors Bayou Entrance Light 2 across the entrances to Jack Stout Bayou, Taylors Bayou, Pelican Pass, and Bayou de West.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

§ 80.835 Point Au Fer, LA to Calcasieu Pass, LA.

(a) A line drawn from Point Au Fer to Atchafalaya Channel Light 34, to Point Au Fer Reef Light 33; thence to Atchafalaya Bay Pipeline Light D latitude 29°25.0' N. longitude 91°31.7' W. thence to Atchafalaya Bay Light 1.

latitude 29°25.3' N. longitude 91°35.8' W.; thence to South Point.

(b) Lines following the general trend of the highwater shoreline drawn across the bayou and canal inlets from the Gulf of Mexico between South Point and Calcasieu Pass except as otherwise described in this section.

(c) A line drawn on an axis of 140° true through Southwest Pass Verrillion Bay Light 4 across Southwest Pass.

(d) A line drawn across the seaward extremity of the Freshwater Bayou Canal Entrance Jetties.

(e) A line drawn from Mermentau Channel East Jetty Light 6 to Mermentau Channel West Jetty Light 7.

(f) A line drawn from the radio tower charted in approximate position latitude 29°45.7' N. longitude 93°06.3' W. 115° true across Mermentau Pass.

(g) A line drawn across the seaward extremity of the Calcasieu Pass Jetties.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

§ 80.840 Sabine Pass, TX to Galveston, TX.

(a) A line drawn from the Sabine Pass East Jetty Light to the seaward end of the Sabine Pass West Jetty.

(b) Lines drawn across the small boat passes through the Sabine Pass East and West Jetties.

(c) A line formed by the centerline of the highway bridge over Rollover Pass at Gilchrist.

§ 80.845 Galveston, TX to Freeport, TX.

(a) A line drawn from Galveston North Jetty Light 6A to Galveston South Jetty Light 5A.

(b) A line formed by the centerline of the highway bridge over San Luis Pass.

(c) Lines formed by the centerlines of the highway bridges over the inlets of Christmas Bay (Cedar Cut) and Drum Bay.

(d) A line drawn from the seaward extremity of the Freeport North Jetty to Freeport Entrance Light 6; thence to Freeport Entrance Light 7; thence the seaward extremity of Freeport South Jetty.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

§ 80.850 Brazos River, TX to the Rio Grande, TX.

(a) Except as otherwise described in this section lines drawn continuing the general trend of the seaward, highwater shorelines across the inlets to Brazos River Diversion Channel, San Bernard River, Cedar Lakes, Brown Cedar Cut, Colorado River, Matagorda Bay, Cedar Bayou, Corpus Christi Bay, and Laguna Madre.

(b) A line drawn across the seaward extremity of Matagorda Ship Channel North Jetties.

(c) A line drawn from the seaward tangent of Matagorda Peninsula at Decros Point to Matagorda Light.

(d) A line drawn across the seaward extremity of the Aransas Pass Jetties.

(e) A line drawn across the seaward extremity of the Port Mansfield Entrance Jetties.

(f) A line drawn across the seaward extremity of the Brazos Santiago Pass Jetties.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986]

PACIFIC COAST

ELEVENTH DISTRICT

§ 80.1102 Santa Catalina Island, CA.

The 72 COLREGS shall apply to the harbors on Santa Catalina Island.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1104 San Diego Harbor, CA.

A line drawn from Zuniga Jetty Light "V" to Zuniga Jetty Light "Z"; thence to Point Loma Light.

[CGD 84-091, 51 FR 7787, Mar. 6, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1106 Mission Bay, CA.

A line drawn from Mission Bay South Jetty Light 2 to Mission Bay North Jetty Light 1.

§ 80.1108

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1108 Oceanside Harbor, CA.

A line drawn from Oceanside South Jetty Light 4 to Oceanside Breakwater Light 3.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1110 Dana Point Harbor, CA.

A line drawn from Dana Point Jetty Light 6 to Dana Point Breakwater Light 5.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1112 Newport Bay, CA.

A line drawn from Newport Bay East Jetty Light 4 to Newport Bay West Jetty Light 3.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1114 San Pedro Bay—Anaheim Bay, CA.

(a) A line drawn across the seaward extremities of the Anaheim Bay Entrance Jetties; thence to Long Beach Breakwater East End Light 1.

(b) A line drawn from Long Beach Channel Entrance Light 2 to Long Beach Light.

(c) A line drawn from Los Angeles Main Entrance Channel Light 2 to Los Angeles Light.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and amended by CGD 84-091, 51 FR 7787, Mar. 6, 1986. Further redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1116 Redondo Harbor, CA.

A line drawn from Redondo Beach East Jetty Light 2 to Redondo Beach West Jetty Light 3.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

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§ 80.1118 Marina Del Rey, CA.

(a) A line drawn from Marina Del Rey Breakwater South Light 1 to Marina Del Rey Light 4.

(b) A line drawn from Marina Del Rey Breakwater North Light 2 to Marina Del Rey Light 3.

(c) A line drawn from Marina Del Rey Light 4 to the seaward extremity of the Ballona Creek South Jetty.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1120 Port Hueneme, CA.

(a) A line drawn from Port Hueneme East Jetty Light 4 to Port Hueneme West Jetty Light 3.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1122 Channel Islands Harbor, CA.

(a) A line drawn from Channel Islands Harbor South Jetty Light 2 to Channel Islands Harbor Breakwater South Light 1.

(b) A line drawn from Channel Islands Harbor Breakwater North Light to Channel Islands Harbor North Jetty Light 5.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1124 Ventura Marina, CA.

A line drawn from Ventura Marina South Jetty Light 6 to Ventura Marina Breakwater South Light 3; thence to Ventura Marina North Jetty Light 7.

[CGD 84-091, 51 FR 7787, Mar. 6, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1126 Santa Barbara Harbor, CA.

A line drawn from Santa Barbara Harbor Light 4 to Santa Barbara Harbor Breakwater Light.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

Coast Guard, DOT

§ 80.1152

§ 80.1130 San Luis Obispo Bay, CA.

A line drawn from the southernmost extremity of Fossil Point to the seaward extremity of Whaler Island Breakwater.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1132 Estero-Morro Bay, CA.

A line drawn from the seaward extremity of the Morro Bay East Breakwater to the Morro Bay West Breakwater Light.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1134 Monterey Harbor, CA.

A line drawn from Monterey Harbor Light 6 to the northern extremity of Monterey Municipal Wharf 2.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1136 Moss Landing Harbor, CA.

A line drawn from the seaward extremity of the pier located 0.3 mile south of Moss Landing Harbor Entrance to the seaward extremity of the Moss Landing Harbor North Breakwater.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1138 Santa Cruz Harbor, CA.

A line drawn from the seaward extremity of the Santa Cruz Harbor East Breakwater to Santa Cruz Harbor West Breakwater Light; thence to Santa Cruz Light.

[CGD 84-091, 51 FR 21748, June 16, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1140 Pillar Point Harbor, CA.

A line drawn from Pillar Point Harbor Light 6 to Pillar Point Harbor Entrance Light.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1142 San Francisco Harbor, CA.

A straight line drawn from Point Bonita Light through Mile Rocks Light to the shore.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1144 Bodega and Tomales Bay, CA.

(a) An east-west line drawn from Sand Point to Avalis Beach.

(b) A line drawn from the seaward extremity of Bodega Harbor North Breakwater to Bodega Harbor Entrance Light 1.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1146 Albion River, CA.

A line drawn on an axis of 030° true through Albion River Light 1 across Albion Cove.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1148 Noyo River, CA.

A line drawn from Noyo River Entrance Daybeacon 4 to Noyo River Entrance Light 5.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1150 Arcata-Humboldt Bay, CA.

A line drawn from Humboldt Bay Entrance Light 4 to Humboldt Bay Entrance Light 3.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 80.1152 Crescent City Harbor, CA.

A line drawn from Crescent City Entrance Light to the southeasternmost extremity of Whaler Island.

§ 80.1305

[CGD 84-091, 51 FR 7788, Mar. 6, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

THIRTEENTH DISTRICT

§ 80.1305 Chetco River, OR.

A line drawn across the seaward extremities of the Chetco River Entrance Jetties.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

§ 80.1310 Rogue River, OR.

A line drawn across the seaward extremities of the Rogue River Entrance Jetties.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

§ 80.1315 Coquille River, OR.

A line drawn across the seaward extremities of the Coquille River Entrance Jetties.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

§ 80.1320 Coos Bay, OR.

A line drawn across the seaward extremities of the Coos Bay Entrance Jetties.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

§ 80.1325 Umpqua River, OR.

A line drawn across the seaward extremities of the Umpqua River Entrance Jetties.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

§ 80.1330 Siuslaw River, OR.

A line drawn across the seaward extremities of the Siuslaw River Entrance Jetties.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

§ 80.1335 Alsea Bay, OR.

A line drawn from the seaward shoreline on the north of the Alsea Bay Entrance 165° true across the channel entrance.

§ 80.1340 Yaquina Bay, OR.

A line drawn across the seaward extremities of the Yaquina Bay Entrance Jetties.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

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§ 80.1345 Depoe Bay, OR.

A line drawn across the Depoe Bay Channel entrance parallel with the general trend of the highwater shoreline.

§ 80.1350 Netarts Bay, OR.

A line drawn from the northernmost extremity of the shore on the south side of Netarts Bay north to the opposite shoreline.

§ 80.1355 Tillamook Bay, OR.

A line drawn across the seaward extremities of the Tillamook Bay Entrance Jetties.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

§ 80.1360 Nehalem River, OR.

A line drawn approximately parallel with the general trend of the highwater shoreline across the Nehalem River Entrance.

§ 80.1365 Columbia River Entrance, OR WA.

A line drawn from the seaward extremity of the Columbia River North Jetty (above water) 155° true to the seaward extremity of the Columbia River South Jetty (above water).

§ 80.1370 Willapa Bay, WA.

A line drawn from Willapa Bay Light 171° true to the westernmost tripod charted 1.6 miles south of Leadbetter Point.

§ 80.1375 Grays Harbor, WA.

A line drawn across the seaward extremities (above water) of the Gray Harbor Entrance Jetties.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

§ 80.1380 Quillayute River, WA.

A line drawn from the seaward extremity of the Quillayute River Entrance East Jetty to the overhead power cable tower charted on James Island; thence a straight line through Quillayute River Entrance Light 3 to the shoreline.

§ 80.1385 Strait of Juan de Fuca.

The 72 COLREGS shall apply on the waters of the Strait of Juan de Fuca.

Coast Guard, DOT

§ 80.1705

[CGD 81-087, 46 FR 61457, Dec. 17, 1981; 47 FR 3351, Jan. 25, 1982, and 49 FR 3177, Jan. 26, 1984]

§ 80.1390 Haro Strait and Strait of Georgia.

The 72 COLREGS shall apply on all waters of the Haro Strait and the Strait of Georgia.

[CGD 81-087, 46 FR 61457, Dec. 17, 1981; 47 FR 3351, Jan. 25, 1982, and 49 FR 3177, Jan. 26, 1984]

§ 80.1395 Puget Sound and adjacent waters.

The 72 COLREGS shall apply on all waters of Puget Sound and adjacent waters, including Lake Union, Lake Washington, Hood Canal, and all tributaries.

[CGD 81-087, 46 FR 61457, Dec. 17, 1981; 47 FR 3351, Jan. 25, 1982, and 49 FR 3177, Jan. 26, 1984]

PACIFIC ISLANDS

FOURTEENTH DISTRICT

§ 80.1410 Hawaiian Island Exemption from General Rule.

Except as provided elsewhere in this part for Mamala Bay and Kaneohe Bay on Oahu; Port Allen and Nawiliwili Bay on Kauai; Kahului Harbor on Maui; and Kawaihae and Hilo Harbors on Hawaii, the 72 COLREGS shall apply on all other bays, harbors, and lagoons of the Hawaiian Island (including Midway).

§ 80.1420 Mamala Bay, Oahu, HI.

A line drawn from Barbers Point Light to Diamond Head Light.

§ 80.1430 Kaneohe Bay, Oahu, HI.

A straight line drawn from Pyramid Rock Light across Kaneohe Bay through the center of Mokolii Island to the shoreline.

§ 80.1440 Port Allen, Kauai, HI.

A line drawn from Hanapepe Light to Hanapepe Bay Breakwater Light.

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

§ 80.1450 Nawiliwili Harbor, Kauai, HI.

A line drawn from Nawiliwili Harbor Breakwater Light to Kukii Point Light.

§ 80.1460 Kahului Harbor, Maui, HI.

A line drawn from Kahului Harbor Entrance Breakwater Light 1 to Kahului Harbor Entrance Breakwater Light 2.

[CGD 84-091, 51 FR 7788, Mar. 6, 1986]

§ 80.1470 Kawaihae Harbor, Hawaii, HI.

A line drawn from Kawaihae Light to the seaward extremity of the Kawaihae South Breakwater.

§ 80.1480 Hilo Harbor, Hawaii, HI.

A line drawn from the seaward extremity of the Hilo Breakwater 265' true (as an extension of the seaward side of the breakwater) to the shoreline 0.2 nautical mile north of Alealea Point.

§ 80.1490 Apra Harbor, U.S. Territory of Guam.

A line drawn from the westernmost extremity of Orote Island to the westernmost extremity of Glass Breakwater.

§ 80.1495 U.S. Pacific Island Possessions.

The 72 COLREGS shall apply on the bays, harbors, lagoons, and waters surrounding the U.S. Pacific Island Possessions of American Samoa, Baker, Canton, Howland, Jarvis, Johnson, Palmyra, Swains and Wake Island. (The Trust Territory of the Pacific Islands is not a U.S. possession, and therefore Part 80 does not apply thereto.)

[CGD 77-118a, 42 FR 35784, July 11, 1977; 42 FR 63169, Dec. 15, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

ALASKA

SEVENTEENTH DISTRICT

§ 80.1705 Alaska.

The 72 COLREGS shall apply on all the sounds, bays, harbors, and inlets of Alaska.

[CGD 79-036, 44 FR 22458, Apr. 16, 1979. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

PART 81—72 COLREGS: IMPLEMENTING RULES

Sec.

- 81.1 Definitions.
81.3 General.

ALTERNATIVE COMPLIANCE

- 81.5 Application for a Certificate of Alternative Compliance.
81.9 Certificate of Alternative Compliance: Contents.
81.17 Certificate of Alternative Compliance: Termination.
81.18 Notice and record of certification of vessels of special construction or purpose.

EXEMPTIONS

- 81.20 Lights and sound signal appliances.

APPENDIX A TO PART 81—72 COLREGS

AUTHORITY: 33 U.S.C. 1607; E.O. No. 11964; 49 CFR 1.46.

SOURCE: CGD 76-130, 42 FR 17111, Mar. 31, 1977, unless otherwise noted. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981.

§ 81.1 Definitions.

As used in this part:

"72 COLREGS" refers to the International Regulations for Preventing Collisions at Sea, 1972, done at London, October 20, 1972, as rectified by the Proces-Verbal of December 1, 1973, as amended.

"A vessel of special construction or purpose" means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

"Interference with the special function of the vessel" occurs when installation or use of lights, shapes, or sound-signaling appliances under 72 COLREGS prevents or significantly hinders the operation in which the vessel is usually engaged.

[CGD 77-136, 47 FR 13799, Apr. 1, 1982]

§ 81.3 General

Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of 72 COLREGS without

interfering with their special function may instead meet alternative requirements. The Chief of the Marine Safety Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the 72 COLREGS. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and recordkeeping requirements in §§ 81.5 and 81.18 have been approved by the Office of Management and Budget under OMB control No. 2118-0073.

[CGD 77-136, 47 FR 13799, Apr. 1, 1982]

ALTERNATIVE COMPLIANCE

§ 81.5 Application for a Certificate of Alternative Compliance.

(a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the 72 COLREGS light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Marine Safety Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) The identification of the vessel by its:
 - (i) Official number;
 - (ii) Shipyard hull number;
 - (iii) Hull identification number; or
 - (iv) State number, if the vessel does not have an official number or hull identification number.
- (3) Vessel name and home port, if known.
- (4) A description of the vessel's area of operation.
- (5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

- (1) The 72 COLREGS Rule or Annex section number for which the Certificate of Alternative Compliance is sought;

(ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(iii) A statement of how full compliance would interfere with the special function of the vessel.

(6) A description of the alternative installation that is in closest possible compliance with the applicable 72 COLREGS Rule or Annex section.

(7) A copy of the vessel's plans or an accurate scale drawing that clearly shows:

(i) The required installation of the equipment under the 72 COLREGS,

(ii) The proposed installation of the equipment for which certification is being sought, and

(iii) Any obstructions that may interfere with the equipment when installed in:

(A) The required location; and

(B) The proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

Approved by the Office of Management and Budget under control number 2115-0073)

[CGD 77-136, 47 FR 13799, Apr. 1, 1982]

§ 81.9 Certificate of Alternative Compliance: Contents.

The Chief of the Marine Safety Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with its special function. This Certificate includes—

(a) Identification of the vessel as supplied in the application under § 81.5(a)(2);

(b) The provision of the 72 COLREGS for which the Certificate authorizes alternative compliance;

(c) A certification that the vessel is unable to comply fully with the 72 COLREGS lights, shape, and sound signal requirements without interference with its special function;

(d) A statement of why full compliance would interfere with the special function of the vessel;

(e) The required alternative installation;

(f) A statement that the required alternative installation is in the closest possible compliance with the 72 COLREGS without interfering with the special function of the vessel;

(g) The date of issuance;

(h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

[CGD 77-136, 47 FR 13800, Apr. 1, 1982]

§ 81.17 Certificate of Alternative Compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 81.5(a) or the Certificate issued under § 81.9 is no longer applicable to the vessel.

[CGD 77-136, 47 FR 13800, Apr. 1, 1982]

§ 81.18 Notice and record of certification of vessels of special construction or purpose.

(a) In accordance with 33 U.S.C. 1605(c), a notice is published in the FEDERAL REGISTER of the following:

(1) Each Certificate of Alternative Compliance issued under § 81.9; and

(2) Each Coast Guard vessel determined by the Commandant to be a vessel of special construction or purpose.

(b) Copies of Certificate of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at the Office of Navigation Safety and Waterway Services, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

(c) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

(Approved by the Office of Management and Budget under control number 2115-0073)

[CGD 77-136, 47 FR 13800, Apr. 1, 1982, as amended by CGD 88-052, 53 FR 25119, July 1, 1988]

EXEMPTIONS

§ 81.20 Lights and sound signal appliances.

Each vessel under the 72 COLREGS, except the vessels of the Navy, is exempt from the requirements of the 72 COLREGS to the limitation for the period of time stated in Rule 38 (a), (b), (c), (d), (e), (f), and (g) if:

(a) Her keel is laid or is at a corresponding stage of construction before July 15, 1977; and

(b) She meets the International Regulations for Preventing Collisions at Sea, 1960 (77 Stat. 194, 33 U.S.C. 1051-1094).

NOTE: Appendix A to this part contains the 72 COLREGS.

[CGD 76-133, 42 FR 35792, July 11, 1977. Redesignated at CGD 81-017, 46 FR 28154, May 26, 1981]

APPENDIX A TO PART 81—72 COLREGS

NOTE: Below is the text of the 72 COLREGS, as published with the Proclamation of January 19, 1977, at 42 FR 17112, March 31, 1977, and subsequently amended with the Proclamation of June 16, 1983, published at 48 FR 28634, June 23, 1983, and the Proclamation of June 29, 1989, published at 54 FR 38851, September 21, 1989.

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

PART A—GENERAL

Rule 1.—Application

(a) These Rules shall apply to all vessels upon the high seas and in all waters connected therewith navigable by seagoing vessels.

(b) Nothing in these Rules shall interfere with the operation of special rules made by an appropriate authority for roadsteads, harbours, rivers, lakes or inland waterways connected with the high seas and navigable by seagoing vessels. Such special rules shall conform as closely as possible to these Rules.

(c) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any State with respect to additional station or signal lights, shapes or whistle signals for ships of war and vessels proceeding under convoy, or with respect to additional station or signal lights or shapes for fishing vessels engaged in fishing as a fleet. These additional station or signal lights, shapes or whistle signals shall, so far as possible, be such that

they cannot be mistaken for any light, shape or signal authorized elsewhere under these Rules.

(d) Traffic separation schemes may be adopted by the Organization for the purpose of these Rules.

(e) Whenever the Government concerned shall have determined that a vessel of special construction or purpose cannot comply fully with the provisions of any of the Rules with respect to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, the vessel shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, as the Government shall have determined to be the closest possible compliance with the Rules in respect of that vessel.

Rule 2.—Responsibility

(a) Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of any neglect of any precaution which may be required by the ordinary practice of seamanship or by the special circumstances of the case.

(b) In construing and complying with these Rules due regard shall be had to the dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

Rule 3.—General Definitions

For the purpose of these Rules, except where the context otherwise requires:

(a) The word "vessel" includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

(b) The term "power-driven vessel" means any vessel propelled by machinery.

(c) The term "sailing vessel" means a vessel under sail provided that propelling machinery, if fitted, is not being used.

(d) The term "vessel engaged in fishing" means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict manoeuvrability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict manoeuvrability.

(e) The word "seaplane" includes any aircraft designed to manoeuvre on the water.

(f) The term "vessel not under command" means a vessel which through some exceptional circumstance is unable to manoeuvre as required by these Rules and is therefore

unable to keep out of the way of another vessel.

(g) The term "vessel restricted in her ability to manoeuvre" means a vessel which from the nature of her work is restricted in her ability to manoeuvre as required by these Rules and is therefore unable to keep out of the way of another vessel.

The term "vessels restricted in their ability to manoeuvre" shall include but not be limited to:

(i) A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline;

(ii) A vessel engaged in dredging, surveying or underwater operations;

(iii) A vessel engaged in replenishment or transferring persons, provisions or cargo while underway;

(iv) A vessel engaged in the launching or recovery of aircraft;

(v) A vessel engaged in mineclearance operations;

(vi) A vessel engaged in a towing operation which severely restricts the towing vessel and her tow in their ability to deviate from their course.

(h) The term "vessel constrained by her draught" means a power-driven vessel which, because of her draught in relation to the available depth and width of navigable water, is severely restricted in her ability to deviate from the course she is following.

(i) The word "underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

(j) The words "length" and "breadth" of a vessel mean her length overall and greatest breadth.

(k) Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other.

(l) The term "restricted visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

PART B—STEERING AND SAILING RULES

SECTION 1—CONDUCT OF VESSELS IN ANY CONDITION OF VISIBILITY

Rule 4.—Application

Rules in this section apply in any condition of visibility.

Rule 5.—Look-out

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

Rule 6.—Safe Speed

Every vessel shall at all times proceed at a safe speed so that she can take proper and

effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed the following factors shall be among those taken into account:

(a) By all vessels:

(i) The state of visibility;

(ii) The traffic density including concentrations of fishing vessels or any other vessels;

(iii) The manoeuvrability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;

(iv) At night the presence of background light such as from shore lights or from back scatter of her own lights;

(v) The state of wind, sea and current, and the proximity of navigational hazards;

(vi) The draught in relation to the available depth of water.

(b) Additionally, by vessels with operational radar:

(i) The characteristics, efficiency and limitations of the radar equipment;

(ii) Any constraints imposed by the radar range scale in use;

(iii) The effect on radar detection of the sea state, weather and other sources of interference;

(iv) The possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;

(v) The number, location and movement of vessels detected by radar;

(vi) The more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

Rule 7.—Risk of Collision

(a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

(b) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

(c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(d) In determining if risk of collision exists the following considerations shall be among those taken into account:

(i) Such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;

(ii) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very

large vessel or a tow or when approaching a vessel at close range.

Rule 8.—Action to Avoid Collision

(a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.

(c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

(f)(i) A vessel which, by any of these rules, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea room for the safe passage of the other vessel.

(ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the rules of this part.

(iii) A vessel the passage of which is not to be impeded remains fully obliged to comply with the rules of this part when the two vessels are approaching one another so as to involve risk of collision.

Rule 9.—Narrow Channels

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than 20 metres in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel may use the sound signal prescribed in Rule 34(d) if in doubt as to the intention of the crossing vessel.

(e)(i) In a narrow channel or fairway when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c)(i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in Rule 34(c)(ii) and take steps to permit safe passing. If in doubt she may sound the signals prescribed in Rule 34(d).

(ii) This Rule does not relieve the overtaking vessel of her obligation under Rule 13.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Rule 34(f).

(g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

Rule 10.—Traffic Separation Scheme

(a) This rule applies to traffic separation schemes adopted by the Organization and does not relieve any vessel of her obligation under any other rule.

(b) A vessel using a traffic separation scheme shall:

(i) Proceed in the appropriate traffic lane in the general direction of traffic flow of that lane;

(ii) So far as practicable keep clear of a traffic separation line or separation zone;

(iii) Normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

(c) A vessel shall, so far as practicable, avoid crossing traffic lanes but if obliged to do so shall cross on a heading as nearly practicable at right angles to the general direction of traffic flow.

(d) Inshore traffic zones shall not normally be used by through traffic which can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than 20 metres in length and sailing vessels shall under all circumstances use inshore traffic zones.

(e) A vessel other than a crossing vessel or a vessel joining or leaving a lane shall

normally enter a separation zone or cross a separation line except:

(1) In cases of emergency to avoid immediate danger;

(2) To engage in fishing within a separation zone.

(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

(g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as practicable.

(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(j) A vessel of less than 20 metres in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

(k) A vessel restricted in her ability to manoeuvre when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this Rule to the extent necessary to carry out the operation.

(l) A vessel restricted in her ability to manoeuvre when engaged in an operation for the laying, servicing or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this Rule to the extent necessary to carry out the operation.

SECTION II.—CONDUCT OF VESSELS IN SIGHT OF ONE ANOTHER

Rule 11.—Application

Rules in this Section apply to vessels in sight of one another.

Rule 12.—Sailing Vessels

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;

(iii) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purposes of this Rule the forward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged

vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

Rule 13.—Overtaking

(a) Notwithstanding anything contained in the Rules of Part B, Sections I and II any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these Rules or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

Rule 14.—Head-on Situation

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

Rule 15.—Crossing Situation

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

Rule 16.—Action by Give-Way Vessel

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

Rule 17.—Action by Stand-on Vessel

(a) (i) Where one of two vessels is to keep out of the way the other shall keep her course and speed.

(ii) The latter vessel may however take action to avoid collision by her manoeuvre alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these Rules.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with subparagraph (a)(ii) of this Rule to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This Rule does not relieve the give-way vessel of her obligation to keep out of the way.

Rule 18.—Responsibilities Between Vessels

Except where Rules 9, 10 and 13 otherwise require: (a) A power-driven vessel underway shall keep out of the way of: (i) A vessel not under command;

(ii) A vessel restricted in her ability to manoeuvre;

(iii) A vessel engaged in fishing;

(iv) A sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

(i) A vessel not under command;

(ii) A vessel restricted in her ability to manoeuvre;

(iii) A vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

(i) A vessel not under command;

(ii) A vessel restricted in her ability to manoeuvre.

(d) (i) Any vessel other than a vessel not under command or a vessel restricted in her ability to manoeuvre shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draught, exhibiting the signals in Rule 28.

(ii) A vessel constrained by her draught shall navigate with a particular caution having full regard to her special condition.

(e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the Rules of this Part.

SECTION III—CONDUCT OF VESSELS IN RESTRICTED VISIBILITY

Rule 19.—Conduct of Vessels in Restricted Visibility

(a) This Rule applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate manoeuvre.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with the Rules of Section I of this Part.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

(ii) An alteration of course toward a vessel abeam or abaft of the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

PART C—LIGHTS AND SHAPES

Rule 20.—Application

(a) Rules in this Part shall be complied with in all weathers.

(b) The Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.

(c) The lights prescribed by these Rules shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(d) The Rules concerning shapes shall be complied with by day.

(e) The lights and shapes specified in these Rules shall comply with the provisions of Annex I to these Regulations.

Rule 21.—Definitions.

(a) "Masthead light" means a white light placed over the fore and aft centreline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.

(b) "Sidelights" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 metres in length the sidelights may be combined in one lantern carried on the fore and aft centreline of the vessel.

(c) "Sternlight" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

(d) "Towing light" means a yellow light having the same characteristics as the "sternlight" defined in paragraph (c) of this Rule.

(e) "All round light" means a light showing an unbroken light over an arc of the horizon of 360 degrees.

(f) "Flashing light" means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

Rule 22.—Visibility of Lights

The lights prescribed in these Rules shall have an intensity as specified in Section 8 of Annex 1 to these Regulations so as to be visible at the following minimum ranges:

(a) In vessels of 50 metres or more in length: A masthead light, 6 miles; A sidelight, 3 miles; A sternlight, 3 miles; A towing light, 3 miles; and A white, red, green or yellow all-round light, 3 miles.

(b) In vessels of 12 metres or more in length but less than 50 metres in length:

A masthead light, 5 miles; except that where the length of the vessel is less than 20 metres, 3 miles;

A sidelight, 2 miles;

A sternlight, 2 miles;

A towing light, 2 miles; and

A white, red, green or yellow all-round light, 2 miles.

(c) In vessels of less than 12 metres in length:

A masthead light, 2 miles;

A sidelight, 1 mile;

A sternlight, 2 miles;

A towing light, 2 miles; and

A white, red, green or yellow all-round light, 2 miles.

(d) In inconspicuous, partly submerged vessels or objects being towed:—a white all-round light, 3 miles.

Rule 23.—Power-Driven Vessels Underway

(a) A power-driven vessel underway shall exhibit:

(i) A masthead light forward;

(ii) A second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 metres in length shall not be obliged to exhibit such light but may do so;

(iii) Sidelights; and

(iv) A sternlight.

(b) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit an all-round flashing yellow light.

(c) A power-driven vessel of less than 7 metres in length and whose maximum speed does not exceed 7 knots may, in lieu of the lights prescribed in paragraph (a) of this Rule, exhibit an all-round white light. Such vessel shall, if practicable, also exhibit sidelights.

(i) A power-driven vessel of less than 12 metres in length may in lieu of the lights prescribed in paragraph (a) of this Rule exhibit an all-round white light and sidelights;

(ii) A power-driven vessel of less than 7 metres in length whose maximum speed does not exceed 7 knots may in lieu of the lights prescribed in paragraph (a) of this Rule exhibit an all-round white light and shall, if practicable, also exhibit sidelights;

(iii) The masthead light or all-round white light on a power-driven vessel of less than 12 metres in length may be displaced from the fore and aft centreline of the vessel if centreline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centreline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

Rule 24.—Towing and Pushing

(a) A power-driven vessel when towing shall exhibit: (i) Instead of the light prescribed in Rule 23(a)(i) or (a)(ii), two masthead lights in a vertical line. When the length of the tow measuring from the stern of the towing vessel to the after end of the tow exceeds 200 metres, three such lights in a vertical line;

(ii) Sidelights;

(iii) A sternlight;

(iv) A towing light in a vertical line above the sternlight; and

(v) When the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.

(b) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a

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power-driven vessel and exhibit the lights prescribed in Rule 23.

(c) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:

(i) Instead of the light prescribed in Rule 23(a)(i) or (a)(ii), two masthead lights in a vertical line;

(ii) Sidelights; and

(iii) A sternlight.

(d) A power-driven vessel to which paragraph (a) or (c) of this Rule apply shall also comply with Rule 23(a)(ii).

(e) A vessel or object being towed, other than those mentioned in paragraph (g) of this Rule, shall exhibit: (i) Sidelights;

(ii) A sternlight;

(iii) When the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.

(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, (i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights; (ii) A vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.

(g) An inconspicuous, partly submerged vessel or object, or combination of such vessels or objects being towed, shall exhibit:

(i) If it is less than 25 metres in breadth, one all-round white light at or near the forward end and one at or near the after end except that dracons need not exhibit a light at or near the forward end;

(ii) If it is 25 metres or more in breadth, two additional all-round white lights at or near the extremities of its breadth;

(iii) If it exceeds 100 metres in length, additional all-round white lights between the lights prescribed in sub-paragraphs (i) and (ii) so that the distance between the lights shall not exceed 100 metres;

(iv) A diamond shape at or near the aftermost extremity of the last vessel or object being towed and if the length of the tow exceeds 200 metres an additional diamond shape where it can best be seen and located as far forward as is practicable.

(h) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed in paragraph (e) or (g) of this Rule, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of such vessel or object.

(i) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed in paragraph (a) or (c) of this Rule, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel

and the vessel being towed as authorized by Rule 36, in particular by illuminating the towline.

Rule 25.—Sailing Vessels Underway and Vessels Under Oars

(a) A sailing vessel underway shall exhibit:

(i) Sidelights;

(ii) A sternlight.

(b) In a sailing vessel of less than 20 metres in length the lights prescribed in paragraph (a) of this Rule may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(c) A sailing vessel underway may, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit at or near the top of the mast, where they can best be seen,

two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this Rule.

(d) (i) A sailing vessel of less than 20 metres in length shall, if practicable, exhibit the lights prescribed in paragraph (a) of this Rule, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(ii) A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downwards.

Rule 26.—Fishing Vessels

(a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit all of the lights and shapes prescribed in this Rule.

(b) A vessel when engaged in trawling, which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit two all-round lights in a vertical line, the upper being green and the lower white, the shape consisting of two cones with apexes together in a vertical line one at the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;

(ii) A masthead light abaft of and higher than the all-round green light; a vessel less than 50 metres in length shall not be obliged to exhibit such a light but may do so;

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(c) A vessel engaged in fishing, other than trawling, shall exhibit: (i) Two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;

(ii) When there is outlying gear extending more than 150 metres horizontally from the vessel, an all-round white light or a cone apex upwards in the direction of the gear;

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(d) A vessel engaged in fishing in close proximity to other vessels engaged in fishing may exhibit the additional signals described in Annex II to these Regulations.

(e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this Rule, but only those prescribed for a vessel of her length.

Rule 27.—Vessels not Under Command or Restricted in Their Ability to Maneuver

(a) A vessel not under command shall exhibit: (i) Two all-round red lights in a vertical line where they can best be seen;

(ii) Two balls or similar shapes in a vertical line where they can best be seen;

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b) A vessel restricted in her ability to manoeuvre, except a vessel engaged in mine-clearance operations, shall exhibit: (i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) Three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond.

(iii) When making way through the water, a masthead light or lights, sidelights and a sternlight, in addition to the lights prescribed in subparagraph (i);

(iv) When at anchor, in addition to the lights or shapes prescribed in subparagraphs (i) and (ii), the light, lights or shape prescribed in Rule 30.

(c) A power-driven vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course shall, in addition to the lights or shapes prescribed in Rule 24(a), exhibit the lights or shapes prescribed in subparagraphs (b) (i) and (ii) of this Rule.

(d) A vessel engaged in dredging or underwater operations, when restricted in her ability to manoeuvre, shall exhibit the

lights and shapes prescribed in subparagraphs (b) (i), (ii) and (iii) of this Rule and shall in addition, when an obstruction exists, exhibit: (i) Two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(ii) Two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass;

(iii) When at anchor, the lights or shapes prescribed in this paragraph instead of the lights or shape prescribed in Rule 30.

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in paragraph (d) of this Rule, the following shall be exhibited:

(i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) A rigid replica of the International Code flag "A" not less than 1 metre in height. Measures shall be taken to ensure its all-round visibility.

(f) A vessel engaged in mine-clearance operations shall in addition to the lights prescribed for a power-driven vessel in Rule 23 or to the lights or shape prescribed for a vessel at anchor in Rule 30 as appropriate, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach within 1000 metres of the mine-clearance vessel.

(g) Vessels of less than 12 metres in length, except those engaged in diving operations, shall not be required to exhibit the lights and shapes prescribed in this Rule.

(h) The signals prescribed in this Rule are not signals of vessels in distress and requiring assistance. Such signals are contained in Annex IV to these Regulations.

Rule 28.—Vessels Constrained by Their Draught

A vessel constrained by her draught may, in addition to the lights prescribed for power-driven vessels in Rule 23, exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

Rule 29.—Pilot Vessels

(a) A vessel engaged on pilotage duty shall exhibit: (i) At or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(ii) When underway, in addition, sidelights and a sternlight;

(iii) When at anchor, in addition to the lights prescribed in subparagraph (i), the light, lights or shape prescribed in Rule 30 for vessels at anchor.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a similar vessel of her length.

Rule 30.—Anchored Vessels and Vessels Aground

(a) A vessel at anchor shall exhibit where it can best be seen: (i) In the fore part, an all-round white light or one ball;

(ii) At or near the stern and at a lower level than the light prescribed in sub-paragraph (i), an all-round white light.

(b) A vessel of less than 50 metres in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this Rule.

(c) A vessel at anchor may, and a vessel of 100 metres and more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) of this Rule and in addition, where they can best be seen: (i) Two all-round red lights in a vertical line;

(ii) Three balls in a vertical line.

(e) A vessel of less than 7 metres in length, when at anchor, not in or near a narrow channel, fairway or anchorage or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in paragraphs (a) and (b) of this Rule.

(f) A vessel of less than 12 metres in length, when aground, shall not be required to exhibit the lights or shapes prescribed in sub-paragraphs (d) (i) and (ii) of this Rule.

Rule 31.—Seaplanes

Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the Rules of this Part she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

PART D.—SOUND AND LIGHT SIGNALS

Rule 32.—Definitions

(a) The word "whistle" means any sound signalling appliance capable of producing the prescribed blasts and which complies with the specifications in Annex III to these Regulations.

(b) The term "short blast" means a blast of about one second's duration.

(c) The term "prolonged blast" means a blast from four to six seconds' duration.

Rule 33.—Equipment for Sound Signals

(a) A vessel of 12 metres or more in length shall be provided with a whistle and a bell and a vessel of 100 metres or more in length shall, in addition be provided with a gong.

the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specifications in Annex III to these Regulations. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

(b) A vessel of less than 12 metres in length shall not be obliged to carry the sound signalling appliances prescribed in paragraph (a) of this Rule but if she does not, she shall be provided with some other means of making an efficient sound signal.

Rule 34.—Maneuvering and Warning Signals

(a) When vessels are in sight of one another, a power-driven vessel underway, when manoeuvring as authorized or required by these Rules, shall indicate that manoeuvre by the following signals on her whistle:

One short blast to mean "I am altering my course to starboard";

Two short blasts to mean "I am altering my course to port";

Three short blasts to mean "I am operating astern propulsion".

(b) Any vessel may supplement the whistle signals prescribed in paragraph (a) of this Rule by light signals, repeated as appropriate, whilst the manoeuvre is being carried out:

(i) These light signals shall have the following significance:

One flash to mean "I am altering my course to starboard";

Two flashes to mean "I am altering my course to port";

Three flashes to mean "I am operating astern propulsion";

(ii) The duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;

(iii) The light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I to these Regulations.

(c) When in sight of one another in a narrow channel or fairway:

(i) A vessel intending to overtake another shall in compliance with Rule 9(c) (i) indicate her intention by the following signal on her whistle:

Two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";

Two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side".

(ii) The vessel about to be overtaken when acting in accordance with Rule 9(e)(1) shall indicate her agreement by the following signal on her whistle:

One prolonged, one short, one prolonged and one short blast, in that order.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only shall be used for giving manoeuvring and warning signals.

Rule 35.—Sound Signals in Restricted Visibility

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to manoeuvre, a vessel constrained by her draught, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraphs (a) or (b) of this Rule, sound at intervals of not more than 2 minutes three blasts in succession, namely one prolonged followed by two short blasts.

(d) A vessel engaged in fishing, when at anchor, and a vessel restricted in her ability to manoeuvre when carrying out her work at anchor, shall instead of the signals prescribed in paragraph (c) of this Rule sound the signal prescribed in paragraph (c) of this Rule.

(e) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession, namely one prolonged followed by three

short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(f) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraphs (a) or (b) of this Rule.

(g) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about 5 seconds. In a vessel of 100 metres or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(h) A vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (g) of this Rule and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(i) A vessel of less than 12 metres in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.

(j) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (g) of this Rule sound an identity signal consisting of four short blasts.

Rule 36.—Signals to Attract Attention

If necessary to attract the attention of another vessel any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these Rules, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel. Any light to attract the attention of another vessel shall be such that it cannot be mistaken for any aid to navigation. For the purpose of this Rule the use of high intensity intermittent or revolving lights, such as strobe lights, shall be avoided.

Rule 37.—Distress Signals

When a vessel is in distress and requires assistance she shall use or exhibit the signals described in Annex IV to these Regulations.

PART E—EXEMPTIONS

Rule 38.—Exemptions

Any vessel (or class of vessels) provided that she complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960, the keel of which is laid or which is at a corresponding stage of construction before the entry into force of these Regulations may be exempted from compliance therewith as follows:

(a) The installation of lights with ranges prescribed in Rule 22, until four years after the date of entry into force of these Regulations.

(b) The installation of lights with colour specifications as prescribed in Section 7 of Annex I to these Regulations, until four years after the date of entry into force of these Regulations.

(c) The repositioning of lights as a result of conversion from Imperial to metric units and rounding off measurement figures, permanent exemption.

(d)(i) The repositioning of masthead lights on vessels of less than 150 metres in length, resulting from the prescriptions of Section 3(a) of Annex I to these Regulations, permanent exemption.

(ii) The repositioning of masthead lights on vessels of 150 metres or more in length, resulting from the prescriptions of Section 3(a) of Annex I to these Regulations, until nine years after the date of entry into force of these Regulations.

(e) The repositioning of masthead lights resulting from the prescriptions of Section 3(b) of Annex I to these Regulations, until nine years after the date of entry into force of these Regulations.

(f) The repositioning of sidelights resulting from the prescriptions of Sections 2(g) and 3(b) of Annex I to these Regulations, until nine years after the date of entry into force of these Regulations.

(g) The requirements for sound signal appliances prescribed in Annex III to these Regulations, until nine years after the date of entry into force of these Regulations.

(h) The repositioning of all-round lights resulting from the prescription of Section 9(b) of Annex I to these Regulations, permanent exemption.

ANNEX I

POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

1. *Definition.* The term "height above the hull" means height above the uppermost continuous deck. This height shall be measured from the position vertically beneath the location of the light.

2. *Vertical positioning and spacing of lights.* (a) On a power-driven vessel of 20 metres or more in length the masthead lights shall be placed as follows:

(i) The forward masthead light, or if only one masthead light is carried, then that light, at a height above the hull of not less than 6 metres, and, if the breadth of the vessel exceeds 6 metres, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 12 metres;

(ii) When two masthead lights are carried the after one shall be at least 4.5 metres vertically higher than the forward one.

(b) The vertical separation of masthead lights of power-driven vessels shall be such that in all normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 100 metres from the stern when viewed from sea level.

(c) The masthead light of a power-driven vessel of 12 metres but less than 20 metres in length shall be placed at a height above the gunwale of not less than 2.5 metres.

(d) A power-driven vessel of less than 12 metres in length may carry the uppermost light at a height of less than 2.5 metres above the gunwale. When however, a masthead light is carried in addition to sidelights and a sternlight or the all-round light prescribed in rule 23(c)(i) is carried in addition to sidelights, then such masthead light or all-round light shall be carried at least 1 metre higher than the sidelights.

(e) One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as either the forward masthead light or the after masthead light; provided that, if carried on the aftermast, the lowest after masthead light shall be at least 4.5 metres vertically higher than the forward masthead light.

(f)(i) The masthead light or lights prescribed in Rule 23(a) shall be so placed as to be above and clear of all other lights and obstructions except as described in subparagraph (ii).

(ii) When it is impracticable to carry the all-round lights prescribed by Rule 27(b)(i) or Rule 28 below the masthead lights, they may be carried above the after masthead light(s) or vertically in between the forward masthead light(s) and after masthead light(s), provided that in the latter case the requirement of Section 3(c) of this Annex shall be complied with.

(g) The sidelights of a power-driven vessel shall be placed at a height above the hull not greater than three quarters of that of the forward masthead light. They shall not be so low as to be interfered with by other lights.

(h) The sidelights, if in a combined lantern and carried on a power-driven vessel less than 20 metres in length, shall

placed not less than 1 metre below the mast-head light.

(i) When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows:

(i) On a vessel of 20 metres in length or more such lights shall be spaced not less than 2 metres apart, and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 4 metres above the hull;

(ii) On a vessel of less than 20 metres in length such lights shall be spaced not less than 1 metre apart and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 2 metres above the gunwale.

(iii) When three lights are carried they shall be equally spaced.

(j) The lower of the two all-round lights prescribed for a vessel when engaged in fishing shall be at a height above the sidelights not less than twice the distance between the two vertical lights.

(k) The forward anchor light prescribed in Rule 30(a)(i), when two are carried, shall not be less than 4.5 metres above the after one. On a vessel of 50 metres or more in length this forward anchor light shall be placed at a height of not less than 6 metres above the hull.

3. Horizontal positioning and spacing of lights. (a) When two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one half of the length of the vessel but need not be more than 100 metres. The forward light shall be placed not more than one quarter of the length of the vessel from the stem.

(b) On a power-driven vessel of 20 metres or more in length the sidelights shall not be placed in front of the forward masthead lights. They shall be placed at or near the side of the vessel.

(c) When the lights prescribed in Rule 27(b)(i) or Rule 28 are placed vertically between the forward masthead light(s) and the after masthead light(s) these all-round lights shall be placed at a horizontal distance of not less than 2 metres from the fore and aft centreline of the vessel in the starboard direction.

4. Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations.

(a) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in Rule 26(c)(ii) shall be placed at a horizontal distance of not less than 2 metres and not more than 6 metres away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in Rule 26(c)(i) and not lower than the sidelights.

(b) The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in Rule 27(d) (i) and (ii), shall be placed at the maximum practical horizontal distance, but in no case less than 2 metres, from the lights or shapes prescribed in Rule 27(b) (i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in Rule 27(b) (i) and (ii).

5. Screens for sidelights. The sidelights of vessels of 20 metres or more in length shall be fitted with inboard screens painted matt black, and meeting the requirements of Section 9 of this Annex. On vessels of less than 20 metres in length the sidelights, if necessary to meet the requirements of Section 9 of this Annex, shall be fitted with inboard matt black screens. With a combined lantern, using a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

6. Shapes. (a) Shapes shall be black and of the following sizes:

(i) A ball shall have a diameter of not less than 0.6 metre;

(ii) A cone shall have a base diameter of not less than 0.6 metre and a height equal to its diameter;

(iii) A cylinder shall have a diameter of at least 0.6 metre and a height of twice its diameter;

(iv) A diamond shape shall consist of two cones as defined in (ii) above having a common base.

(b) The vertical distance between shapes shall be at least 1.5 metre.

(c) In a vessel of less than 20 metres in length shapes of lesser dimensions but commensurate with the size of the vessel may be used and the distance apart may be correspondingly reduced.

7. Colour specification of lights. The chromaticity of all navigation lights shall conform to the following standards, which lie within the boundaries of the area of the diagram specified for each colour by the International Commission on Illumination (CIE).

The boundaries of the area for each colour are given by indicating the corner coordinates, which are as follows:

(i) **White:**

$x=0.525, 0.525, 0.452, 0.310, 0.310, 0.443.$

$y=0.382, 0.440, 0.440, 0.348, 0.283, 0.382.$

(ii) **Green:**

$x=0.028, 0.009, 0.300, 0.203.$

$y=0.385, 0.723, 0.511, 0.356.$

(iii) **Red:**

$x=0.680, 0.680, 0.735, 0.721.$

$y=0.320, 0.320, 0.265, 0.259.$

(iv) **Yellow:**

$x=0.612, 0.618, 0.575, 0.575.$

$y=0.382, 0.382, 0.425, 0.406.$

8. *Intensity of lights.* (a) The minimum luminous intensity of lights shall be calculated by using the formula:

$$I = 3.43 \times 10^4 \times T \times D^2 \times K^{-9}$$

where I is luminous intensity in candelas under service conditions.

T is threshold factor 2×10^{-7} lux, D is range of visibility (luminous range) of the light in nautical miles, K is atmospheric transmissivity.

For prescribed lights the value of K shall be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

(b) A selection of figures derived from the formula is given in the following table:

Range of visibility (luminous range) of light in nautical miles, D :

	Luminous intensity of light in candelas for $K=0.8$
1	0.9
2	4.3
3	12
4	27
5	52
6	94

NOTE: The maximum luminous intensity of navigation lights should be limited to avoid undue glare. This shall not be achieved by a variable control of the luminous intensity.

This shall not be achieved by a variable control of the luminous intensity.

9. *Horizontal sectors.* (a)(i) In the forward direction, sidelights as fitted on the vessel shall show the minimum required intensities. The intensities shall decrease to reach practical cut-off between 1 degree and 3 degrees outside the prescribed sectors.

(ii) For sternlights and masthead lights and at 22.5 degrees abaft the beam for sidelights, the minimum required intensities shall be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in Rule 21. From 5 degrees within the prescribed sectors the intensity may decrease by 50 per cent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed sectors.

(b) All-round lights shall be so located as not to be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees, except anchor lights prescribed in Rule 30, which need not be placed at an impracticable height above the hull.

10. *Vertical sectors.* (a) The vertical sectors of electric lights as fitted, with the exception of lights on sailing vessels underway shall ensure that:

(i) At least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(ii) At least 80 percent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 degrees below the horizontal.

(b) In the case of sailing vessels underway the vertical sectors of electric lights as fitted shall ensure that:

(i) At least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(ii) At least 50 percent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.

(c) In the case of lights other than electric these specifications shall be met as closely as possible.

11. *Intensity of non-electric lights.* Non-electric lights shall so far as practicable comply with the minimum intensities as specified in the Table given in Section 8 of this Annex.

12. *Manoeuvring light.* Notwithstanding the provisions of paragraph 2(f) of this Annex the manoeuvring light described in Rule 34(b) shall be placed in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minimum height of 2 metres vertically above the forward masthead light, provided that shall be carried not less than 2 metres vertically above or below the after masthead light. On a vessel where only one masthead light is carried the manoeuvring light, if fitted, shall be carried where it can best be seen, not less than 2 metres vertically apart from the masthead light.

13. *Approval.* The construction of lights and shapes and the installation of lights on board the vessel shall be to the satisfaction of the appropriate authority of the State whose flag the vessel is entitled to fly.

ANNEX II

ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY

1. *General.* The lights mentioned here shall, if exhibited in pursuance of Rule 2(d), be placed where they can best be seen. They shall be at least 0.9 metre apart but at a lower level than lights prescribed in Rule 26 (b)(i) and (c)(i). The lights shall be visible all round the horizon at a distance of at least 1 mile but at a lesser distance than the lights prescribed by these Rules for fishing vessels.

2. *Signals for Trawlers.* (a) Vessels when engaged in trawling, whether using demersal or pelagic gear, may exhibit:

(i) When shooting their nets: two white lights in a vertical line;

- (B) When hauling their nets: one white light over one red light in a vertical line;
- (C) When the net has come fast upon an obstruction: two red lights in a vertical line.
- (b) Each vessel engaged in pair trawling may exhibit:
 - (i) By night, a searchlight directed forward and in the direction of the other vessel of the pair;
 - (ii) When shooting or hauling their nets or when their nets have come fast upon an obstruction, the lights prescribed in 2(a) above.

3. *Signals for purse seiners.* Vessels engaged in fishing with purse seine gear may exhibit two yellow lights in a vertical line. These lights shall flash alternately every second and with equal light and occultation duration. These lights may be exhibited only when the vessel is hampered by its fishing gear.

ANNEX III

TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES

1. *Whistles.* (a) *Frequencies and range of audibility.*—The fundamental frequency of the signal shall lie within the range 70-700 Hz.

The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the range 180-700 Hz (± 1 percent) and which provide the sound pressure levels specified in paragraph 1(c) below.

(b) *Limits of fundamental frequencies.* To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits:

- (i) 70-200 Hz, for a vessel 200 metres or more in length;
- (ii) 130-350 Hz, for a vessel 75 metres but less than 200 metres in length;
- (iii) 250-700 Hz, for a vessel less than 75 metres in length.

(c) *Sound signal intensity and range of audibility.* A whistle fitted in a vessel shall provide, in the direction of maximum intensity of the whistle and at a distance of 1 metre from it, a sound pressure level in at least one $\frac{1}{3}$ -octave band within the range of frequencies 180-700 Hz (± 1 percent) of not less than the appropriate figure given in the table below.

Length of vessel in meters	$\frac{1}{3}$ -octave band level at 1 meter in dB referred to 2×10^{-4} N/m ²	Audibility range in nautical miles
200 or more	143	2.0
75 but less than 200	136	1.5
20 but less than 75	130	1.0
Less than 20	120	0.5

The range of audibility in the table above is for information and is approximately the range at which a whistle may be heard on its forward axis with 90 percent probability in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centred on 250 Hz and 63dB in the octave band centred on 500 Hz).

In practice the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical but under conditions of strong wind or high ambient noise level at the listening post the range may be much reduced.

(d) *Directional properties.* The sound pressure level of a directional whistle shall be not more than 4dB below the prescribed sound pressure level on the axis at any direction in the horizontal plane within ± 45 degrees of the axis. The sound pressure level at any other direction in the horizontal plane shall be not more than 10dB below the prescribed sound pressure level on the axis, so that the range in any direction will be at least half the range on the forward axis. The sound pressure level shall be measured in that $\frac{1}{3}$ -octave band which determines the audibility range.

(e) *Positioning of whistles.* When a directional whistle is to be used as the only whistle on a vessel, it shall be installed with its maximum intensity directed straight ahead.

A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimize hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB (A) and so far as practicable should not exceed 100 dB (A).

(f) *Fitting of more than one whistle.* If whistles are fitted at a distance apart of more than 100 metres, it shall be so arranged that they are not sounded simultaneously.

(g) *Combined whistle systems.* If due to the presence of obstructions the sound field of a single whistle or of one of the whistles referred to in paragraph 1 (f) above is likely to have a zone of greatly reduced signal level, it is recommended that a combined whistle system be fitted so as to overcome

this reduction. For the purposes of the Rules a combined whistle system is to be regarded as a single whistle. The whistles of a combined system shall be located at a distance apart of not more than 100 metres and arranged to be sounded simultaneously. The frequency of any one whistle shall differ from those of the others by at least 10Hz.

2. *Bell or gong.* (a) *Intensity of signal.*—A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at a distance of 1 metre from it.

(b) *Construction.* Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of 20 metres or more in length, and shall be not less than 200 mm for vessels of 12 metres or more but of less than 20 metres in length. Where practicable, a power-driven bell striker is recommended to ensure constant force but manual operation shall be possible. The mass of the striker shall be not less than 3 percent of the mass of the bell.

3. *Approval.* The construction of sound signal appliances, their performance and their installation on board the vessel shall be to the satisfaction of the appropriate authority of the State whose flag the vessel is the vessel is entitled to fly.

ANNEX IV

DISTRESS SIGNALS

1. The following signals, used or exhibited either together or separately, indicate distress and need of assistance:

(a) A gun or other explosive signal fired at intervals of about a minute;

(b) A continuous sounding with any fog-signalling apparatus;

(c) Rockets or shells, throwing red stars fired one at a time at short intervals;

(d) A signal made by radiotelegraphy or by any other signalling method consisting of the group ...— (SOS) in the Morse Code;

(e) A signal sent by radiotelephony consisting of the spoken word "Mayday";

(f) The International Code Signal of distress indicated by N.C.;

(g) A signal consisting of a square flag having above or below it a ball or anything resembling a ball;

(h) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.);

(i) A rocket parachute flare or a hand flare showing a red light;

(j) A smoke signal giving off orange coloured smoke;

(k) Slowly and repeatedly raising and lowering arms outstretched to each side;

(l) The radiotelegraph alarm signal;

(m) The radiotelephone alarm signal;

(n) Signals transmitted by emergency position-indicating radio beacons;

(o) Approved signals transmitted by radio communication systems.

2. The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

3. Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals:

(a) A piece of orange-coloured canvas with either a black square and circle or other appropriate symbol (for identification from the air);

(b) A dye marker.

[CGD 76-130, 42 FR 17111, Mar. 31, 1977; 42 FR 18401, Apr. 7, 1977; 42 FR 20625, Apr. 21, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981; CGD 83-041, 48 FR 28634, June 23, 1983; CGD 89-067, 54 FR 38851, Sept. 21, 1989]

PART 82—72 COLREGS: INTERPRETATIVE RULES

Sec.

82.1 Purpose.

82.3 Pushing vessel and vessel being pushed: Composite unit.

AUTHORITY: 30 Stat. 98 (33 U.S.C. 180); 49 CFR 1.46(c)(2); 28 Stat. 647 (33 U.S.C. 258); 49 CFR 1.46(c)(3); sec. 4233, R.S. (33 U.S.C. 322).

§ 82.1 Purpose.

This part contains the interpretative rules concerning the 72 COLREGS that are adopted by the Coast Guard for the guidance of the public.

[CGD 76-133, 42 FR 35792, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

§ 82.3 Pushing vessel and vessel being pushed: Composite unit.

Rule 24(b) of the 72 COLREGS states that when a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they are regarded as a power-driven vessel and must exhibit the lights under Rule 23. A "composite unit" is interpreted to be a pushing vessel that is rigidly connected by mechanical means to a vessel being pushed so that

tract to sea and swell as one vessel.
"Mechanical means" does not include
the following:

- (a) Lines.
- (b) Hawsers.

- (c) Wires.
- (d) Chains.

[CGD 76-133, 42 FR 35792, July 11, 1977.
Redesignated by CGD 81-017, 46 FR 28154,
May 26, 1981]

SUBCHAPTER E—INLAND NAVIGATION RULES

PART 84—ANNEX I: POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

Sec.

84.01 Definitions.

84.03 Vertical positioning and spacing of lights.

84.05 Horizontal positioning and spacing of lights.

84.07 Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations.

84.09 Screens.

84.11 Shapes.

84.13 Color specification of lights.

84.15 Intensity of lights.

84.17 Horizontal sectors.

84.19 Vertical sectors.

84.21 Intensity of non-electric lights.

84.23 Maneuvering light.

84.25 Approval. [Reserved]

AUTHORITY: 33 U.S.C. 2071; 49 CFR 1.46.

SOURCE: CGD 81-008, 46 FR 62447, Dec. 24, 1981, unless otherwise noted.

§ 84.01 Definitions.

(a) The term "height above the hull" means height above the uppermost continuous deck. This height shall be measured from the position vertically beneath the location of the light.

(b) The term "practical cut-off" means, for vessels 20 meters or more in length, 12.5 percent of the minimum luminous intensity (Table 84.15(b)) corresponding to the greatest range of visibility for which the requirements of Annex I are met.

(c) The term "Rule" or "Rules" means the Inland Navigation Rules contained in sec. 2 of the Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 94 Stat. 3415, 33 U.S.C. 2001, December 24, 1980) as amended.

§ 84.03 Vertical positioning and spacing of lights.

(a) On a power-driven vessel of 20 meters or more in length the masthead lights shall be placed as follows:

(1) The forward masthead light, or if only one masthead light is carried, then that light, at a height above the

hull of not less than 5 meters, and, if the breadth of the vessel exceeds 5 meters, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 8 meters;

(2) When two masthead lights are carried the after one shall be at least 2 meters vertically higher than the forward one.

(b) The vertical separation of the masthead lights of power-driven vessels shall be such that in all normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1000 meters from the stem when viewed from water level.

(c) The masthead light of a power-driven vessel of 12 meters but less than 20 meters in length shall be placed at a height above the gunwale of not less than 2.5 meters.

(d) The masthead light, or the all-round light described in Rule 23(c), of a power-driven vessel of less than 12 meters in length shall be carried at least one meter higher than the sidelights.

(e) One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as either the forward masthead light or the after masthead light, provided that the lowest after masthead light shall be at least 2 meters vertically higher than the highest forward masthead light.

(f)(1) The masthead light or lights prescribed in Rule 23(a) shall be placed as to be above and clear of all other lights and obstructions except as described in paragraph (f)(2) of this section.

(2) When it is impracticable to carry the all-round lights prescribed in Rule 27(b)(1) below the masthead light(s) they may be carried above the after masthead light(s) or vertically between the forward masthead light(s) and after masthead light(s), provided that in the latter case the requirements of § 84.05(d) shall be complied with.

(g) The sidelights of a power-driven vessel shall be placed at least one meter lower than the forward masthead light. They shall not be so low as to be interfered with by deck lights.

(h) [Reserved]

(i) When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows:

(1) On a vessel of 20 meters in length or more such lights shall be spaced not less than 1 meter apart, and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 4 meters above the hull;

(2) On a vessel of less than 20 meters in length such lights shall be spaced not less than 1 meter apart and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 2 meters above the gunwale;

(3) When three lights are carried they shall be equally spaced.

(j) The lower of the two all-round lights prescribed for a vessel when engaged in fishing shall be a height above the sidelights not less than twice the distance between the two vertical lights.

(k) The forward anchor light prescribed in Rule 30(a)(i), when two are carried, shall not be less than 4.5 meters above the after one. On a vessel of 50 meters or more in length this forward anchor light shall be placed at a height of not less than 6 meters above the hull.

[CGD 81-008, 46 FR 62447, Dec. 24, 1981, as amended by CGD 89-024, 55 FR 3947, Feb. 6, 1990]

§ 84.05 Horizontal positioning and spacing of lights.

(a) Except as specified in paragraph (b) of this section, when two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one quarter of the length of the vessel but need not be more than 50 meters. The forward light shall be placed not more than one half of the length of the vessel from the stem.

(b) On power-driven vessels 50 meters but less than 60 meters in length operated on the Western Rivers, and those waters specified in

§ 89.25, the horizontal distance between masthead lights shall not be less than 10 meters.

(c) On a power-driven vessel of 20 meters or more in length the sidelights shall not be placed in front of the forward masthead lights. They shall be placed at or near the side of the vessel.

(d) When the lights prescribed in Rule 27(b)(i) are placed vertically between the forward masthead light(s) and the after masthead light(s) these all-round lights shall be placed at a horizontal distance of not less than 2 meters from the fore and aft centerline of the vessel in the athwartship direction.

[CGD 81-008, 46 FR 62447, Dec. 24, 1981, as amended by CGD 88-07, 53 FR 10533, April 1, 1988]

§ 84.07 Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations.

(a) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in Rule 26(c)(ii) shall be placed at a horizontal distance of not less than 2 meters and not more than 6 meters away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in Rule 26(c)(i) and not lower than the sidelights.

(b) The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in Rule 27(d)(i) and (ii), shall be placed at the maximum practical horizontal distance, but in no case less than 2 meters, from the lights or shapes prescribed in Rule 27(b)(i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in Rule 27(b)(i) and (ii).

§ 84.09 Screens.

(a) The sidelights of vessels of 20 meters or more in length shall be fitted with mat black inboard screens and meet the requirements of § 84.17. On vessels of less than 20 meters in

length, the sidelights, if necessary to meet the requirements of § 84.17, shall be fitted with mat black inboard screens. With a combined lantern, using a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

(b) On power-driven vessels less than 12 meters in length constructed after July 31, 1983, the masthead light, or the all-round light described in Rule 23(c) shall be screened to prevent direct illumination of the vessel forward of the operator's position.

§ 84.11 Shapes.

(a) Shapes shall be black and of the following sizes:

(1) A ball shall have a diameter of not less than 0.6 meter.

(2) A cone shall have a base diameter of not less than 0.6 meter and a height equal to its diameter.

(3) A diamond shape shall consist of two cones (as defined in paragraph (a)(2) of this section) having a common base.

(b) The vertical distance between shapes shall be at least 1.5 meter.

(c) In a vessel of less than 20 meters in length shapes of lesser dimensions but commensurate with the size of the vessel may be used and the distance apart may be correspondingly reduced.

§ 84.13 Color specification of lights.

(a) The chromaticity of all navigation lights shall conform to the following standards, which lie within the boundaries of the area of the diagram specified for each color by the International Commission on Illumination (CIE), in the "Colors of Light Signals", which is incorporated by reference. It is Publication CIE No. 2.2 (TC-1.6), 1975, and is available from the Illumination Engineering Society, 345 East 47th Street, New York, NY 10017. It is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street N.W., Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register.

(b) The boundaries of the area for each color are given by indicating the corner co-ordinates, which are as follows:

(1) White:

x	0.525	0.525	0.452	0.310	0.310	0.443
y	0.382	0.440	0.440	0.348	0.283	0.382

(2) Green:

x	0.028	0.009	0.300	0.203
y	0.385	0.723	0.511	0.356

(3) Red:

x	0.680	0.660	0.735	0.721
y	0.320	0.320	0.265	0.259

(4) Yellow:

x	0.612	0.618	0.575	0.575
y	0.382	0.382	0.425	0.406

§ 84.15 Intensity of lights.

(a) The minimum luminous intensity of lights shall be calculated by using the formula:

$$I = 3.43 \times 10^{-6} \times T \times D^2 \times K^{-0.5}$$

where I is luminous intensity in candelas under service conditions.

T is threshold factor 2×10^{-5} lux.

D is range of visibility (luminous range) of the light in nautical miles.

K is atmospheric transmissivity. For prescribed lights the value of K shall be 0.1, corresponding to a meteorological visibility of approximately 13 nautical miles.

(b) A selection of figures derived from the formula is given in Table 84.15(b):

TABLE 84.15(b)

Range of visibility (luminous range) of light in nautical miles D	Minimum luminous intensity of light in candelas for K=0.1 I
1	13
2	43
3	97
4	177
5	283
6	418

§ 84.17 Horizontal sectors.

(a)(1) In the forward direction, sidelights as fitted on the vessel shall show the minimum required intensities. The intensities shall decrease to reach practical cut-off between 1 and 11 degrees outside the prescribed sectors.

(2) For sternlights and masthead lights and at 22.5 degrees abaft the beam for sidelights, the minimum

quired intensities shall be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in Rule 21. From 5 degrees within the prescribed sectors the intensity may decrease by 50 percent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed sectors.

(b) All-round lights shall be so located as not to be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees, except anchor lights prescribed in Rule 30, which need not be placed at an impracticable height above the hull, and the all-round white light described in Rule 23(d), which may not be obscured at all.

§ 84.19 Vertical sectors.

(a) The vertical sectors of electric lights as fitted, with the exception of lights on sailing vessels underway and on unmanned barges, shall ensure that:

(1) At least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(2) At least 60 percent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 degrees below the horizontal.

(b) In the case of sailing vessels underway the vertical sectors of electric lights as fitted shall ensure that:

(1) At least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(2) At least 50 percent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.

(c) In the case of unmanned barges the minimum required intensity of electric lights as fitted shall be maintained on the horizontal.

(d) In the case of lights other than electric lights these specifications shall be met as closely as possible

§ 84.21 Intensity of non-electric lights.

Non-electric lights shall so far as practicable comply with the minimum intensities, as specified in the Table given in § 84.15.

§ 84.23 Maneuvering light.

Notwithstanding the provisions of § 84.03(f), the maneuvering light described in Rule 34(b) shall be placed approximately in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minimum height of one-half meter vertically above the forward masthead light, provided that it shall be carried not less than one-half meter vertically above or below the after masthead light. On a vessel where only one masthead light is carried the maneuvering light, if fitted, shall be carried where it can best be seen, not less than one-half meter vertically apart from the masthead light.

§ 84.25 Approval. [Reserved]

PART 85—ANNEX II: ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY

Sec.

85.1 General.

85.3 Signals for trawlers.

85.5 Signals for purse seiners.

AUTHORITY: Sec. 3, Pub. L. 96-591; 49 CFR 1.46(d)(14).

SOURCE: CGD 81-006, 46 FR 61845, Dec. 21, 1981, unless otherwise noted.

§ 85.1 General.

The lights mentioned herein shall, if exhibited in pursuance of Rule 26(d), be placed where they can best be seen. They shall be at least 0.9 meter apart but at a lower level than lights prescribed in Rule 26(b)(1) and (c)(1) contained in the Inland Navigational Rules Act of 1980, as amended (33 U.S.C. 2001 et seq.). The lights shall be visible all around the horizon at a distance of at least 1 mile but at a lesser distance from the lights prescribed by these Rules for fishing vessels.

[CGD 81-008, 46 FR 62447, Dec. 24, 1981, as amended by CGD 89-024, 55 FR 3947, Feb. 4, 1990]

§ 85.3

§ 85.3 Signals for trawlers.

(a) Vessels when engaged in trawling, whether using demersal or pelagic gear, may exhibit:

(1) When shooting their nets: two white lights in a vertical line;

(2) When hauling their nets: one white light over one red light in a vertical line;

(3) When the net has come fast upon an obstruction: two red lights in a vertical line.

(b) Each vessel engaged in pair trawling may exhibit:

(1) By night, a searchlight directed forward and in the direction of the other vessel of the pair;

(2) When shooting or hauling their nets or when their nets have come fast upon an obstruction, the lights prescribed in paragraph (a) of this section.

§ 85.5 Signals for purse seiners.

Vessels engaged in fishing with purse seine gear may exhibit two yellow lights in a vertical line. These lights shall flash alternately every second and with equal light and occultation duration. These lights may be exhibited only when the vessel is hampered by its fishing gear.

PART 86—ANNEX III: TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES

Subpart A—Whistles

Sec.

86.01 Frequencies and range of audibility.

86.03 Limits of fundamental frequencies.

86.05 Sound signal intensity and range of audibility.

86.07 Directional properties.

86.09 Positioning of whistles.

86.11 Fitting of more than one whistle.

86.13 Combined whistle systems.

86.15 Towing vessel whistles.

Subpart B—Bell or Gong

86.21 Intensity of signal.

86.23 Construction.

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Sec.

Subpart C—Approval

86.31 Approval. [Reserved]

AUTHORITY: Sec. 3, Pub. L. 96-591; 49 CFR 1.46(n)(14).

SOURCE: CGD 81-009, 46 FR 61848, Dec. 21, 1981, unless otherwise noted.

Subpart A—Whistles

§ 86.01 Frequencies and range of audibility.

The fundamental frequency of the signal shall lie within the range 70-525 Hz. The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the frequency ranges and provide the sound pressure levels specified in § 86.05.

§ 86.03 Limits of fundamental frequencies.

To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits:

(a) 70-200 Hz, for a vessel 200 meters or more in length;

(b) 130-350 Hz, for a vessel 75 meters but less than 200 meters in length;

(c) 250-525 Hz, for a vessel less than 75 meters in length.

§ 86.05 Sound signal intensity and range of audibility.

A whistle on a vessel shall provide in the direction of the forward axis of the whistle and at a distance of 1 meter from it, a sound pressure level in at least one 1/3-octave band of no less than the appropriate figure given in Table 86.05 within the following frequency ranges (± 1 percent):

(a) 130-1200 Hz, for a vessel 100 meters or more in length;

(b) 250-1600 Hz, for a vessel 75 meters but less than 100 meters in length;

(c) 250-2100 Hz, for a vessel 20 meters but less than 75 meters in length.

TABLE 86.05

Length of vessel in meters	Fundamental frequency range (Hz)	For measurement frequency range (Hz)	1/3-octave band level at 1 meter in dB referred to $2 \times 10^{-14} \text{ W/m}^2$	Audibility range in nautical miles
250 or more	70-200	130-180 180-250 250-1200	145 143 140	2
75 but less than 200	130-350	130-180 180-250 250-1200	140 138 134	1.5
20 but less than 75	250-525	250-450 450-600 600-1800	130 125 121	1.0
12 but less than 20	250-525	250-450 450-600 600-2100	120 115 111	0.5

NOTE: The range of audibility in the table above is for information and is approximately the range at which a whistle may usually be heard on its forward axis in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centered on 250 Hz and 63 dB in the octave band centered on 500 Hz). In practice the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical but under conditions of strong wind or high ambient noise level at the listening post the range may be much reduced.

§ 86.07 Directional properties.

The sound pressure level of a directional whistle shall be not more than 4 dB below the sound pressure level specified in § 86.05 in any direction in the horizontal plane within ± 45 degrees of the forward axis. The sound pressure level of the whistle in any other direction in the horizontal plane shall not be more than 10 dB less than the sound pressure level specified for the forward axis, so that the range of audibility in any direction will be at least half the range required on the forward axis. The sound pressure level shall be measured in that one-third octave band which determines the audibility range.

§ 86.09 Positioning of whistles.

(a) When a directional whistle is to be used as the only whistle on the vessel and is permanently installed, it shall be installed with its forward axis directed forward.

(b) A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimize hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB(A) and so far as practicable should not exceed 100 dB(A).

§ 86.11 Fitting of more than one whistle.

If whistles are fitted at a distance apart of more than 100 meters, they shall not be sounded simultaneously.

§ 86.13 Combined whistle systems.

(a) A combined whistle system is a number of whistles (sound emitting sources) operated together. For the purposes of the Rules a combined whistle system is to be regarded as a single whistle.

(b) The whistles of a combined system shall:

- (1) Be located at a distance apart of not more than 100 meters,
- (2) Be sounded simultaneously,
- (3) Each have a fundamental frequency different from those of the others by at least 10 Hz, and
- (4) Have a tonal characteristic appropriate for the length of vessel which shall be evidenced by at least two-thirds of the whistles in the combined system having fundamental frequencies falling within the limits prescribed in § 86.03, or if there are only two whistles in the combined system, by the higher fundamental frequency falling within the limits prescribed in § 86.03.

NOTE: If due to the presence of obstructions the sound field of a single whistle or of one of the whistles referred to in § 86.11 is likely to have a zone of greatly reduced

§ 86.15

signal level, a combined whistle system should be fitted so as to overcome this reduction.

§ 86.15 Towing vessel whistles.

A power-driven vessel normally engaged in pushing ahead or towing alongside may, at all times, use a whistle whose characteristic falls within the limits prescribed by § 86.03 for the longest customary composite length of the vessel and its tow.

Subpart B—Bell or Gong

§ 86.21 Intensity of signal.

A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at 1 meter.

§ 86.23 Construction.

Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of more than 20 meters in length, and shall be not less than 200 mm for vessels of 12 to 20 meters in length. The mass of the striker shall be not less than 3 percent of the mass of the bell. The striker shall be capable of manual operation. Note: When practicable, a power-driven bell striker is recommended to ensure constant force.

Subpart C—Approval

§ 86.31 Approval. [Reserved]

PART 87—ANNEX IV: DISTRESS SIGNALS

Sec.

87.1 Need of assistance.

87.3 Exclusive use.

87.5 Supplemental signals.

AUTHORITY: 33 U.S.C. 2071; 49 CFR 1.46.

§ 87.1 Need of assistance.

The following signals, used or exhibited either together or separately, indicate distress and need of assistance:

(a) A gun or other explosive signal fired at intervals of about a minute.

(b) A continuous sounding with any fog-signaling apparatus;

(c) Rockets or shells, throwing red stars fired one at a time at short intervals;

(d) A signal made by radiotelegraphy or by any other signaling method consisting of the group . . . — . . . (SOS) in the Morse Code,

(e) A signal sent by radiotelephony consisting of the spoken word "Mayday";

(f) The International Code Signal of distress indicated by N.C.

(g) A signal consisting of a square flag having above or below it a ball or anything resembling a ball;

(h) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.);

(i) A rocket parachute flare or a hand flare showing a red light;

(j) A smoke signal giving off orange-colored smoke;

(k) Slowly and repeatedly raising and lowering arms outstretched to each side;

(l) The radiotelegraph alarm signal;

(m) The radiotelephone alarm signal;

(n) Signals transmitted by emergency position-indicating radio beacons;

(o) Signals transmitted by radiocommunication systems.

(p) A high intensity white light flashing at regular intervals from 50 to 70 times per minute.

[CGD 81-007, 47 FR 16174, Apr. 15, 1982, as amended by CGD 89-024, 55 FR 3947, Feb. 6, 1990]

§ 87.3 Exclusive use.

The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

[CGD 81-007, 47 FR 16174, Apr. 15, 1982]

§ 87.5 Supplemental signals.

Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual, the International Telecommunication Union Radio Regulations and the following signals:

(a) A piece of orange-colored canvas with either a black square and circle

or other appropriate symbol (for identification from the air);
(b) A dye marker.

(CGD 81-007, 47 FR 16174, Apr. 15, 1982, as amended by CGD 89-024, 55 FR 3947, Feb. 6, 1990)

PART 88—ANNEX V: PILOT RULES

- Sec.
88.01 Purpose and applicability.
88.03 Definitions.
88.05 Copy of rules.
88.09 Temporary exemption from light and shape requirements when operating under bridges.
88.11 Law enforcement vessels.
88.13 Lights on barges at bank or dock.
88.15 Lights on dredge pipelines.
- AUTHORITY: Sec. 3, Pub. L. 96-591 (33 U.S.C. 2071); 49 CFR 1.46(n)(14).
SOURCE: CGD 80-158, 47 FR 16175, Apr. 15, 1982, unless otherwise noted.

§ 88.01 Purpose and applicability.

This part applies to all vessels operating on United States inland waters and to United States vessels operating on the Canadian waters of the Great Lakes to the extent there is no conflict with Canadian law.

§ 88.03 Definitions.

The terms used in this part have the same meaning as defined in the Inland Navigational Rules Act of 1980.

§ 88.05 Copy of rules.

After January 1, 1983, the operator of each self-propelled vessel 12 meters or more in length shall carry on board and maintain for ready reference a copy of the Inland Navigation Rules.

§ 88.09 Temporary exemption from light and shape requirements when operating under bridges.

A vessel's navigation lights and shapes may be lowered if necessary to pass under a bridge.

§ 88.11 Law enforcement vessels.

(a) Law enforcement vessels may display a flashing blue light when engaged in direct law enforcement activities. This light shall be located so that it does not interfere with the visibility of the vessel's navigation lights.

(b) The blue light described in this section may be displayed by law enforcement vessels of the United States and the States and their political subdivisions.

§ 88.13 Lights on barges at bank or dock.

(a) The following barges shall display at night and if practicable in periods of restricted visibility the lights described in paragraph (b) of this section:

- (1) Every barge projecting into a buoyed or restricted channel.
- (2) Every barge so moored that it reduces the available navigable width of any channel to less than 80 meters.
- (3) Barges moored in groups more than two barges wide or to a maximum width of over 25 meters.
- (4) Every barge not moored parallel to the bank or dock.

(b) Barges described in paragraph (a) of this section shall carry two unobstructed white lights of an intensity to be visible for at least one mile on a clear dark night, and arranged as follows:

- (1) On a single moored barge, lights shall be placed on the two corners farthest from the bank or dock.
- (2) On barges moored in group formation, a light shall be placed on each of the upstream and downstream ends of the group, on the corners farthest from the bank or dock.

(3) Any barge in a group, projecting from the main body of the group toward the channel, shall be lighted as a single barge.

(c) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this section.

(d) Barges moored in well-illuminated areas are exempt from the lighting requirements of this section. These areas are as follows:

CHICAGO SANITARY SHIP CANAL

- (1) Mile 293.2 to 293.9
- (3) Mile 295.2 to 296.1
- (5) Mile 297.5 to 297.8
- (7) Mile 298 to 298.2
- (9) Mile 298.6 to 298.8
- (11) Mile 299.3 to 299.4
- (13) Mile 299.8 to 300.5
- (15) Mile 303 to 303.2

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- (17) Mile 303.7 to 303.9
- (19) Mile 305.7 to 305.8
- (21) Mile 310.7 to 310.9
- (23) Mile 311 to 311.2
- (25) Mile 312.5 to 312.6
- (27) Mile 313.8 to 314.2
- (29) Mile 314.6
- (31) Mile 314.8 to 315.3
- (33) Mile 315.7 to 316
- (35) Mile 316.8
- (37) Mile 316.85 to 317.05
- (39) Mile 317.5
- (41) Mile 318.4 to 318.9
- (43) Mile 318.7 to 318.8
- (45) Mile 320 to 320.3
- (47) Mile 320.6
- (49) Mile 322.3 to 322.4
- (51) Mile 322.8
- (53) Mile 322.9 to 327.2

CALUMET SAG CHANNEL

- (61) Mile 316.5

LITTLE CALUMET RIVER

- (71) Mile 321.2
- (73) Mile 322.3

CALUMET RIVER

- (81) Mile 328.5 to 328.7
- (83) Mile 329.2 to 329.4
- (85) Mile 330 west bank to 330.2
- (87) Mile 331.4 to 331.6
- (89) Mile 332.2 to 332.4
- (91) Mile 332.6 to 332.8

CUMBERLAND RIVER

- (101) Mile 126.8
- (103) Mile 191

§ 88.15 Lights on dredge pipelines.

Dredge pipelines that are floating or supported on trestles shall display the following lights at night and in periods of restricted visibility.

(a) One row of yellow lights. The lights must be:

- (1) Flashing 50 to 70 times per minute.
- (2) Visible all around the horizon.
- (3) Visible for at least 2 miles on a clear dark night.
- (4) Not less than 1 and not more than 3.5 meters above the water.
- (5) Approximately equally spaced, and
- (6) Not more than 10 meters apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's length and course.

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(b) Two red lights at each end of the pipeline, including the ends in a channel where the pipeline is separated to allow vessels to pass (whether open or closed). The lights must be:

- (1) Visible all around the horizon, and
- (2) Visible for at least 2 miles on a clear dark night, and
- (3) One meter apart in a vertical line with the lower light at the same height above the water as the flashing yellow light.

PART 85—INLAND NAVIGATION RULES: IMPLEMENTING RULES

Subpart A—Certificate of Alternative Compliance

Sec.

- 89.1 Definitions.
- 89.3 General.
- 89.5 Application for a Certificate of Alternative Compliance.
- 89.9 Certificate of Alternative Compliance: Contents.
- 89.17 Certificate of Alternative Compliance: Termination.
- 89.18 Record of certification of vessels of special construction or purpose.

Subpart B—Waters Upon Which Certain Inland Navigation Rules Apply

- 89.21 Purpose.
 - 89.23 Definitions.
 - 89.25 Waters upon which Inland Rule 9(a)(ii), 14(d), 15(b), and 24(i) apply.
- AUTHORITY: 33 U.S.C. 2071; 49 CFR 1.46(n)(14).
- SOURCE: CGD 80-157, 47 FR 13801, Apr. 1, 1982, unless otherwise noted.

Subpart A—Certificate of Alternative Compliance

§ 89.1 Definitions.

As used in this subpart: "Inland Rules" refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96-591) and the technical annexes established under that act. "A vessel of special construction or purpose" means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

"Interference with the special function of the vessel" occurs when installation or use of lights, shapes, or sound-signaling appliances under the Inland Rules prevents or significantly hinders the operation in which the vessel is usually engaged.

[CGD 80-157, 47 FR 13801, Apr. 1, 1982, as amended by CGD 83-028, 49 FR 33876, Aug. 27, 1984]

§ 89.3 General.

Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of the Inland Rules without interfering with their special function may instead meet alternative requirements. The Chief of the Marine Safety Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the Inland Rules. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and recordkeeping requirements in §§ 89.5 and 89.13 have been approved by the Office of Management and Budget under OMB control number 2115-0074.

§ 89.5 Application for a Certificate of Alternative Compliance.

(a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the Inland Rules light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Marine Safety Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) The identification of the vessel by its:
 - (i) Official number;
 - (ii) Shipyard hull number;
 - (iii) Hull identification number; or
 - (iv) State number, if the vessel does not have an official number or hull identification number.

(3) Vessel name and home port, if known.

(4) A description of the vessel's area of operation.

(5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

(i) The Inland Rules Rule or Annex section number for which the Certificate of Alternative Compliance is sought;

(ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(iii) A statement of how full compliance would interfere with the special function of the vessel.

(6) A description of the alternative installation that is in closest possible compliance with the applicable Inland Navigation Rules Rule or Annex section.

(7) A copy of the vessel's plans or an accurate scale drawing that clearly shows:

(i) The required installation of the equipment under the Inland Rules,

(ii) The proposed installation of the equipment for which certification is being sought, and

(iii) Any obstructions that may interfere with the equipment when installed in:

(A) The required location; and

(B) The proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

[CGD 80-157, 47 FR 13801, Apr. 1, 1982; 47 FR 18332, Apr. 29, 1982]

§ 89.9 Certificate of Alternative Compliance: Contents.

The Chief of the Marine Safety Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with Inland Rules light, shape, and sound signal provisions without interference with its special function. This Certificate includes:

(a) Identification of the vessel as supplied in the application under § 89.5(a)(2);

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(b) The provision of the Inland Rules for which the Certificate authorizes alternative compliance;

(c) A certification that the vessel is unable to comply fully with the Inland Rules light, shape, and sound signal requirements without interference with its special function;

(d) A statement of why full compliance would interfere with the special function of the vessel;

(e) The required alternative installation;

(f) A statement that the required alternative installation is in the closest possible compliance with the Inland Rules without interfering with the special function of the vessel;

(g) The date of issuance;

(h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

§ 89.17 Certificate of Alternative Compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 89.5(a) or the Certificate issued under § 89.9 is no longer applicable to the vessel.

§ 89.18 Record of certification of vessels of special construction or purpose.

(a) Copies of Certificates of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at the Office of Navigation Safety and Waterway Services, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

(b) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

[CGD 80-187, 47 FR 13801, Apr. 1, 1982, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

Subpart B—Waters Upon Which Certain Inland Navigation Rules Apply

§ 89.21 Purpose.

Inland Navigation Rules 9(a)(ii), 14(d), and 15(b) apply to the Great Lakes, and along with 24(i), apply on the "Western Rivers" as defined in Rule 3(1), and to additional specifically designated waters. The purpose of this Subpart is to specify those additional waters upon which Inland Navigation Rules 9(a)(ii), 14(d), 15(b), and 24(i) apply.

[CGD 85-051, 51 FR 4592, Feb. 6, 1986]

§ 89.23 Definitions.

As used in this subpart: "Inland Rules" refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 33 U.S.C. 2001 et. seq.) and the technical annexes established under that Act.

[CGD 83-028, 49 FR 33876, Aug. 27, 1984]

§ 89.25 Waters upon which Inland Rules 9(a)(ii), 14(d), 15(b), and 24(i) apply.

Inland Rules 9(a)(ii), 14(d), and 15(b) apply on the Great Lakes, and along with 24(i), apply on the Western Rivers and the following specified waters:

- (a) Tennessee-Tombigbee Waterway;
- (b) Tombigbee River;
- (c) Black Warrior River;
- (d) Alabama River;
- (e) Coosa River;
- (f) Mobile River above the Cochrane Bridge at St. Louis Point;
- (g) Flint River;
- (h) Chattahoochee River; and
- (i) The Apalachicola River above its confluence with the Jackson River.

[CGD 85-081, 51 FR 4592, Feb. 6, 1986]

PART 90—INLAND RULES: INTERPRETATIVE RULES

Sec.

90.1 Purpose.

90.3 Pushing vessel and vessel being pushed: Composite unit.

AUTHORITY: 33 U.S.C. 2071; 49 CFR 1.40(n)(14).

SOURCE: CGD 83-011, 48 FR 51622, Nov. 10, 1983, unless otherwise noted.

§ 90.1 Purpose.

This part contains the interpretative rules for the Inland Rules. These interpretative rules are intended as a guide to assist the public and promote compliance with the Inland Rules.

§ 90.3 Pushing vessel and vessel being pushed: Composite unit.

Rule 24(b) of the Inland Rules states that when a pushing vessel and a

vessel being pushed ahead are rigidly connected in a composite unit, they are regarded as a power-driven vessel and must exhibit the lights prescribed in Rule 23. A "composite unit" is interpreted to be the combination of a pushing vessel and a vessel being pushed ahead that are rigidly connected by mechanical means so they react to sea and swell as one vessel. Mechanical means does not include lines, wires, hawsers, or chains.

SUBCHAPTER F—VESSEL OPERATING REGULATIONS

PART 95—OPERATING A VESSEL
WHILE INTOXICATED

Sec.

- 95.001 Purpose.
- 95.005 Applicability.
- 95.010 Definition of terms as used in this part.
- 95.015 Operating a vessel.
- 95.020 Standard of intoxication.
- 95.025 Adoption of State standards.
- 95.030 Evidence of intoxication.
- 95.035 Reasonable cause for directing a chemical test.
- 95.040 Refusal to submit to testing.
- 95.045 General operating rules for vessels inspected, or subject to inspection, under Chapter 33 of Title 46 United States Code.
- 95.050 Responsibility for compliance.
- 95.055 Penalties.

AUTHORITY: 46 U.S.C. 2302, 3306, and 7701; 49 CFR 1.46.

SOURCE: CGD 84-099, 52 FR 47532, Dec. 14, 1987, unless otherwise noted.

§ 95.001 Purpose.

(a) The purpose of this part is to establish intoxication standards under 46 U.S.C. 2302 and to prescribe restrictions and responsibilities for personnel on vessels inspected, or subject to inspection, under Chapter 33 of Title 46 United States Code. This part does not pre-empt enforcement by a State of its applicable laws and regulations concerning operating a recreational vessel while intoxicated.

(b) Nothing in this part shall be construed as limiting the authority of a vessel's marine employer to limit or prohibit the use or possession of alcohol on board a vessel.

§ 95.005 Applicability.

(a) This part is applicable to a vessel (except those excluded by 46 U.S.C. 2109) operated on waters subject to the jurisdiction of the United States, and to a vessel owned in the United States on the high seas. This includes a foreign vessel operated on waters subject to the jurisdiction of the United States.

(b) This part is also applicable at all times to vessels inspected, or subject

to inspection, under Chapter 33 of Title 46 United States Code.

[CGD 84-099, 52 FR 47532, Dec. 14, 1987; CGD 84-009, 53 FR 13117, Apr. 21, 1988]

§ 95.010 Definition of terms as used in this part.

"Alcohol" means any form or derivative of ethyl alcohol (ethanol).

"Alcohol concentration" means either grams of alcohol per 100 milliliters of blood, or grams of alcohol per 210 liters of breath.

"Chemical test" means a test which analyzes an individual's breath, blood, urine, saliva and/or other bodily fluids or tissues for evidence of drug or alcohol use.

"Controlled substance" has the same meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules I through V as they may be revised from time to time (21 CFR Part 1308).

"Drug" means any substance (other than alcohol) that has known mind or function-altering effects on a person, specifically including any psychoactive substance, and including, but not limited to, controlled substances.

"Intoxicant" means any form of alcohol, drug or combination thereof.

"Law enforcement officer" means a Coast Guard commissioned, warrant, or petty officer; or any other law enforcement officer authorized to obtain a chemical test under Federal, State, or local law.

"Marine employer" means the owner, managing operator, charterer, agent, master, or person in charge of a vessel other than a recreational vessel.

"Recreational vessel" means a vessel meeting the definition in 46 U.S.C. 2101(25) that is then being used only for pleasure.

"Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

"Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

"Vessel owned in the United States" means any vessel documented or numbered under the laws of the United States; and, any vessel owned by a citizen of the United States that is not documented or numbered by any nation.

[CGD 84-099, 52 FR 47532, Dec. 14, 1987;
CGD 84-099, 53 FR 13117, April 21, 1988]

§ 95.015 Operating a vessel.

For purposes of this part, an individual is considered to be operating a vessel when:

(a) The individual has an essential role in the operation of a recreational vessel underway, including but not limited to navigation of the vessel or control of the vessel's propulsion system.

(b) The individual is a crewmember (including a licensed individual), pilot, or watchstander not a regular member of the crew, of a vessel other than a recreational vessel.

§ 95.020 Standard of intoxication.

An individual is intoxicated when:

(a) The individual is operating a recreational vessel and has an alcohol concentration of .10 percent by weight or more in their blood;

(b) The individual is operating a vessel other than a recreational vessel and has an alcohol concentration of .04 percent by weight or more in their blood; or,

(c) The individual is operating any vessel and the effect of the intoxicant(s) consumed by the individual on the person's manner, disposition, speech, muscular movement, general appearance or behavior is apparent by observation.

[CGD 84-099, 52 FR 47532, Dec. 14, 1987;
CGD 84-099, 53 FR 13117, April 21, 1988]

§ 95.025 Adoption of State standards.

(a) This section applies to recreational vessels on waters within the geographical boundaries of a State having a statute defining a percentage of alcohol in the blood for the purposes of establishing that a person operating a vessel is intoxicated or impaired due to alcohol.

(b) If the applicable State statute establishing a standard for determining

impairment due to alcohol uses the terms "under the influence," "operating while impaired," or equivalent terminology and does not separately define a percentage of alcohol in the blood for the purpose of establishing "intoxication," the standard containing the highest defined percentage of alcohol in the blood applies in lieu of the standard in § 95.020(a). If the applicable State statute contains a standard specifically applicable to establishing intoxication, in addition to standards applicable to other degrees of impairment, the standard specifically applicable to establishing intoxication applies in lieu of the standard in § 95.020(a).

(c) For the purposes of this part, a standard established by State statute and adopted under this section is applicable to the operation of any recreational vessel on waters within the geographical boundaries of the State.

§ 95.030 Evidence of intoxication.

Acceptable evidence of intoxication includes, but is not limited to:

(a) Personal observation of an individual's manner, disposition, speech, muscular movement, general appearance, or behavior; or,

(b) A chemical test.

[CGD 84-099, 53 FR 13117, April 21, 1988;
CGD 84-099, 53 FR 13117, Apr. 21, 1988]

§ 95.035 Reasonable cause for directing a chemical test.

(a) Only a law enforcement officer or a marine employer may direct an individual operating a vessel to undergo a chemical test when reasonable cause exists. Reasonable cause exists when:

(1) The individual was directly involved in the occurrence of a marine casualty as defined in Chapter 61 of Title 46, United States Code, or

(2) The individual is suspected of being in violation of the standards in §§ 95.020 or 95.025.

(b) When an individual is directed to undergo a chemical test, the individual to be tested must be informed of that fact and directed to undergo a test as soon as is practicable.

(c) When practicable, a marine employer should base a determination of

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the existence of reasonable cause, under paragraph (a)(2) of this section, on observation by two persons.

[CGD 84-099, FR 47532, Dec. 14, 1987; CGD 84-099, 53 FR 13117, Apr. 1, 1988]

§ 95.040 Refusal to submit to testing.

(a) If an individual refuses to submit to or cooperate in the administration of a timely chemical test when directed by a law enforcement officer based on reasonable cause, evidence of the refusal is admissible in evidence in any administrative proceeding and the individual will be presumed to be intoxicated.

(b) If an individual refuses to submit to or cooperate in the administration of a timely chemical test when directed by the marine employer based on reasonable cause, evidence of the refusal is admissible in evidence in any administrative proceeding.

§ 95.045 General operating rules for vessels inspected, or subject to inspection, under Chapter 33 of Title 46 United States Code.

While on board a vessel inspected, or subject to inspection, under Chapter 33 of Title 46 United States Code, a crewmember (including a licensed individual), pilot, or watchstander not a regular member of the crew:

(a) Shall not perform or attempt to perform any scheduled duties within four hours of consuming any alcohol;

(b) Shall not be intoxicated at any time;

(c) Shall not consume any intoxicant while on watch or duty; and

(d) May consume a legal non-prescription or prescription drug provided the drug does not cause the individual to be intoxicated.

§ 95.050 Responsibility for compliance.

(a) The marine employer shall exercise due diligence to assure compliance with the applicable provisions of this part.

(b) If the marine employer has reason to believe that an individual is intoxicated, the marine employer shall not allow that individual to stand watch or perform other duties.

§ 95.055 Penalties.

An individual who is intoxicated when operating a vessel in violation of 46 U.S.C. 2302(c), shall be:

(a) Liable to the United States Government for a civil penalty of not more than \$1,000; or

(b) Fined not more than \$5,000, imprisoned for not more than one year, or both.

SUBCHAPTER G—REGATTAS AND MARINE PARADES

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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100.05 Definition of terms used in this part.
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100.501 Norfolk Harbor, Elizabeth River, Norfolk, Virginia and Portsmouth, Virginia.
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100.504 Night in Venice, Great Egg Harbor Bay, City of Ocean City, NJ.
100.505 New Jersey Offshore Grand Prix.
100.507 Chesapeake Bay Bridges Swim Races, Chesapeake Bay, Maryland.
100.508 Hampton River, Hampton, Virginia.
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100.511 Approaches to Annapolis Harbor, Rpa Creek, and Severn River, Annapolis, Maryland.

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- 100.512 American Diabetes Association Reach the Beach Triathlon, Choptank River, Cambridge, Maryland.
100.513 Wrightsville Channel, Wrightsville Beach, North Carolina.
100.514 Fourth of July Fireworks Display: Parker Island, Little Egg Harbor, New Jersey.
100.515 Patapsco River, Baltimore, Maryland.
100.901 Great Lakes annual marine events.
100.1101 Southern California Annual marine events.
100.1102 Marine events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona).
100.1103 Opening Day Marine Parade, San Francisco Bay.
100.1104 Sacramento River—Sacramento Water Festival.
100.1105 San Francisco Bay Navy Fleetweek Parade of Ships and Blue Angels Demonstration.
100.1203 San Joaquin River—Budweiser Western States Championships.
100.1301 Seattle Seafair Unlimited Hydroplane Race.
100.1302 Annual Clarkston, Washington, Limited Hydroplane Races.
100.1303 Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races.
100.1304 Annual Seattle Yacht Club's "Opening Day" Marine Parade.

AUTHORITY: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

SOURCE: CGFR 63-22, 28 FR 5155, May 23, 1963, unless otherwise noted.

§ 100.01 Purpose and intent.

(a) The purpose of the regulations in this part is to provide effective control over regattas and marine parades conducted on the navigable waters of the United States so as to insure safety of life in the regatta or marine parade area.

(b) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after appli-

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cation of the appropriate corrections that are published on the particular map or chart being used.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by CGD 86-082, 52 FR 33811, Sept. 8, 1987]

§ 100.05 Definition of terms used in this part.

(a) "Regatta" or "marine parade" means an organized water event of limited duration which is conducted according to a prearranged schedule.

(b) (Reserved)

(c) "District Commander" means the Commander of the Coast Guard District in which the regatta or marine parade is intended to be held. (See Part 3 of this chapter for the geographical boundaries of Coast Guard Districts.)

(d) "State authority" means any official or agency of a State having power under the law of such State to regulate regattas or marine parades on waters over which such State has jurisdiction.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by CGD 75-098, 40 FR 49327, Oct. 22, 1975]

§ 100.10 Coast Guard-State agreements.

(a) The District Commander is authorized to enter into agreements with State authorities permitting, regulation by the State of such classes of regatta or marine parade on the navigable waters of the United States as, in the opinion of the District Commander, the State is able to regulate in such a manner as to insure safety of life. All such agreements shall reserve to the District Commander the right to regulate any particular regatta or marine parade when he deems such action to be in the public interest.

§ 100.15 Submission of application.

(a) An individual or organization planning to hold a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States, shall submit an application to the Coast Guard District Commander having cognizance of the area where it is intended to hold such re-

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gatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include but are not limited to: An inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channel which may reasonably be expected to result, and the expected accumulation of spectator craft.

(b) Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the Commandant or the District Commander may, subject to conditions set from time to time by him, grant a permit for such series of events for a fixed period of time, not to exceed one year.

(c) The application shall be submitted no less than 30 days prior to the start of the proposed event.

(d) The application shall include the following details:

(1) Name and address of sponsoring organization.

(2) Name, address, and telephone of person or persons in charge of the event.

(3) Nature and purpose of the event.

(4) Information as to general public interest.

(5) Estimated number and types of watercraft participating in the event.

(6) Estimated number and types of spectator watercraft.

(7) Number of boats being furnished by sponsoring organizations to patrol event.

(8) A time schedule and description of events.

(9) A section of a chart or sailing drawing showing the boundaries of the event, various water courses, areas to be utilized by participants, officials, and spectator craft.

§ 100.20 Action on application for event assigned to State regulation by Coast Guard-State agreement.

(a) Upon receipt of an application for a regatta or marine parade of a type assigned to a State for regulation under a Coast Guard-State agreement, the District Commander will forward the application to the State authority having cognizance of the event. For

ther processing and decision upon such an application shall be conducted by the State.

§ 100.35 Action on application for event not assigned to State regulation by Coast Guard-State agreement.

(a) Where an event is one of a type not assigned to the State for regulation under a Coast Guard-State agreement (or where no such agreement has been entered), the Commander of a Coast Guard District who receives an application for a proposed regatta or marine parade to be held upon the navigable waters of the United States within his district shall take the following action:

(1) He shall determine whether the proposed regatta or marine parade may be held in the proposed location with safety of life. To assist in his determination, he may, if he deems it necessary, hold a public hearing to obtain the views of all persons interested in, or who will be affected by, the regatta or marine parade.

(2) He will notify the individual or organization which submitted the application:

(i) That the application is approved, and the nature of the special local regulations, if any, which he will promulgate pursuant to § 100.35; or

(ii) That the interest of safety of life on the navigable waters of the United States requires specific change or changes in the application before it can be approved; or

(iii) That the event requires no regulation or patrol of the regatta or marine parade area; or

(iv) That the application is not approved, with reasons for such disapproval.

§ 100.30 Approval required for holding event.

(a) An event for which application is required under § 100.15(a) shall be held only after approval of such event by the District Commander, except that applications referred to a State under § 100.10 shall be governed by the laws of that State.

§ 100.35 Special local regulations.

(a) The Commander of a Coast Guard District, after approving the

plans for the holding of a regatta or marine parade within his district, is authorized to promulgate such special local regulations as he deems necessary to insure safety of life on the navigable waters immediately prior to, during, and immediately after the approved regatta or marine parade. Such regulations may include a restriction upon, or control of, the movement of vessels through a specified area immediately prior to, during, and immediately after the regatta or marine parade.

(b) After approving the plans for the holding of a regatta or marine parade upon the navigable waters within his district, and promulgating special regulations thereto, the Commander of a Coast Guard District shall give the public full and adequate notice of the dates of the regatta or marine parade, together with full and complete information of the special local regulations, if there be such. Such notice should be published in the local notices to mariners.

(c) The special local regulations referred to in paragraph (a) of this section, when issued and published by the Commander of a Coast Guard District, shall have the status of regulations issued pursuant to the provisions of section 1 of the act of April 28, 1908, as amended (46 U.S.C. 454).

§ 100.40 Patrol of the regatta or marine parade.

(a) The Commander of a Coast Guard District in which a regatta or marine parade is to be held may detail, if he deems the needs of safety require, one or more Coast Guard vessels to patrol the course of the regatta or marine parade for the purpose of enforcing not only the special local regulations but also for assistance work and the enforcement of laws generally.

(b) The Commander of a Coast Guard District may also utilize any private vessel or vessels to enforce the special local regulations governing a regatta or marine parade provided such vessel or vessels have been placed at the disposition of the Coast Guard pursuant to section 826 in Title 14, U.S. Code, for such purpose by any member of the Coast Guard Auxiliary.

or any corporation, partnership, or association, or by any State or political subdivision thereof. Any private vessel so utilized shall have on board an officer or petty officer of the Coast Guard who shall be in charge of the vessel during the detail and responsible for the law enforcement activities or assistance work performed by the vessel during such detail. Any private vessel so utilized will display the Coast Guard ensign while engaged in this duty.

(c) The Commander of a Coast Guard District may also utilize any private vessel or vessels placed at the disposition of the Coast Guard pursuant to section 826 in Title 14, U.S. Code, by any member of the Coast Guard Auxiliary, or any corporation, partnership, or association, or by any State or political subdivision thereof, to patrol the course of the regatta or marine parade for the purpose of promoting safety by performing assistance work, effecting rescues, and directing the movement of vessels in the vicinity of the regatta or marine parade. Vessels utilized under the authority of this paragraph are not authorized to enforce the special local regulations or laws generally.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by CGFR 65-32, 30 FR 8518, July 3, 1965]

§ 100.45 Establishment of aids to navigation.

The District Commander will establish and maintain only those aids to navigation necessary to assist in the observance and enforcement of the special regulations issued under the District Commander's authority. These aids to navigation will be in accordance with Part 62 of this chapter. All other aids to navigation incidental to the holding of a regatta or marine parade are private aids to navigation as described in Part 66 of this chapter.

[CGD 86-031, 52 FR 42645, Nov. 6, 1987]

§ 100.50 Penalties for violation of regulations.

(a) An individual or organization who violates any provision of these regulations, or any regulation or order issued pursuant to these regulations

shall be subject to the following penalties as provided in section 457 in Title 46, U.S. Code:

(1) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(2) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of \$500.

(3) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of \$500, unless the violation of regulations shall have occurred without his knowledge.

(4) Any other person shall be liable to a penalty of \$250.

(b) The Commandant of the Coast Guard is authorized and empowered to mitigate or remit any penalty herein provided for in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws. (See 33 CFR Subpart 1.87 for procedures regarding assessment, mitigation or remission of penalties.)

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by CGD 74-46, 39 FR 19473, June 3, 1974]

§ 100.101 Harvard-Yale Regatta, Thames River, New London, CT.

(a) *Regulated area.* The Thames River at New London, Connecticut, from the Penn Central Draw Bridge to Bartlett Cove.

(b) *Effective period.* This regulation will be effective from 10:00 a.m. to 1:00 p.m. annually on the first or second Saturday in June as published in the Coast Guard Local Notice to Mariners and a FEDERAL REGISTER Notice. In case of postponement, this regulation will be in effect the following day.

(c) *Special local regulations.* (1) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No spectator or press boats shall be allowed out onto or across the race course without Coast Guard escort.

(3) No person or vessel may transit through the regulated area during the effective period unless participating

the event, or as authorized by the sponsor or Coast Guard Patrol personnel. The Patrol Commander may open up the regulated area to allow for vessel movement between scheduled races.

(4) Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event at least 30 minutes prior to the start of the races. They must remain moored or at anchor until the men's varsity have passed their positions. At that time, spectator vessels located south of the Harvard Boathouse may proceed downriver at a reasonable speed. Vessels situated between the Harvard Boathouse and the finish line must remain stationary until both crews return safely to their boathouses. If for any reason the men's varsity crew race is postponed, spectator vessels will remain in position until notified by Coast Guard or regatta patrol personnel.

(5) The last 1000 feet of the race course near the finish line will be delineated by four (4) temporary white buoys provided by the sponsor. All spectator craft shall remain behind these buoys during the event.

(6) Spectator craft shall not anchor:

- (i) To the west of the race course, between Scotch Cap and Bartlett Point Light.

- (ii) Within the race course boundaries or in such a manner that would allow their vessel to drift or swing into the race course.

(7) During the effective period all vessels shall proceed at a speed not to exceed six (6) knots in the regulated area.

(8) Spectator vessels shall not follow the crews during the races.

(9) Swimming is prohibited in the vicinity of the race course during the races.

(10) A vessel operating in the vicinity of the Submarine Base may not cause waves which result in damage to submarines or other vessels in the floating drydocks.

(11) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon

hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(12) For any violations of this regulation, the following maximum penalties are authorized by law:

- (i) \$500 for any persons in charge of the navigation of a vessel.

- (ii) \$500 for the owner of a vessel actually on board.

- (iii) \$250 for any other person.

- (iv) Suspension or revocation of a license for a licensed officer.

[CGD3 85-16, 50 FR 23807, June 6, 1985, as amended by CGD1 87-08, 52 FR 20387, June 1, 1987. Redesignated and amended by CGD 87-008b, 52 FR 25219, July 6, 1987]

§ 100.102 Connecticut River Raft Race.

(a) *Regulated area.* That section of the Connecticut River between the Salmon River (Marker no. 48) and Middle Haddam (Marker no. 72).

(b) *Effective period.* This regulation will be effective from 9:00 a.m. to 2:00 p.m. annually on the first Saturday in August unless otherwise specified in the Coast Guard Local Notice to Mariners and a FEDERAL REGISTER Notice.

(c) *Special local regulations.* (1) The regulated area shall be closed to all vessels in excess of 20 meters (65.6 feet) in length during the effective period.

(2) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are considered spectators.

(3) All spectator vessels shall be moored or anchored prior to the start of the event in such a way as to not interfere with the passage of the race participants. They shall remain anchored or moored until the end of the race or until directed by a patrol vessel.

(4) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a

vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(5) For any violation of this regulation, the following maximum penalties are authorized by law:

- (i) \$500 for any person in charge of the navigation of a vessel.
- (ii) \$500 for the owner of a vessel actually on board.
- (iii) \$250 for any other person.
- (iv) Suspension or revocation of a license for a licensed officer.

[CGD3 85-18, 50 FR 29223, July 18, 1985. Redesignated and amended by CGD 87-008b, 52 FR 25219, July 6, 1987]

§ 100.103 National Sweepstakes Regatta, Redbank, NJ.

(a) *Regulated area.* That portion of the Navesink River in Redbank, N.J. between the N.J. Route 35 Bridge and a line running across the Navesink River connecting Guyon and Lewis Points.

(b) *Effective period.* This regulation will be effective from 8:00 a.m. to 6:00 p.m. annually on the third weekend (Saturday and Sunday) in August unless otherwise specified in the Coast Guard Local Notice to Mariners and a FEDERAL REGISTER Notice.

(c) *Special local regulations.* (1) The regulated area shall be intermittently closed to all vessel traffic during the effective period, except as may be allowed by the Coast Guard Patrol Commander.

(2) No person or vessel shall enter or remain in the regulated area while it is closed unless participating in or authorized by the event sponsor or Coast Guard patrol personnel.

(3) Vessels awaiting passage through the regulated area shall be held in unmarked anchorages in the area to the east of the N.J. Route 35 Bridge and in the vicinity of Lewis Point.

(4) No transiting vessels shall be allowed out onto or across the regulated area without Coast Guard escort.

(5) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are

considered spectators. Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility in a way that will not interfere with the progress of the event. The following are established as spectator areas:

(i) Spectator vessels shall be held behind (north of) a line of buoys provided by the sponsor running approximately west to east starting .25 mile east of the N.J. Route 35 Bridge.

(ii) A second spectator area shall be marked by a curved line of sponsor provided buoys centered on a line drawn approximately due south from Jones Point, running through Can Buoy #21. All spectator craft shall stay to the east of this string of buoys.

(6) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(7) For any violation of this regulation, the following maximum penalties are authorized by law:

- (i) \$500 for any person in charge of the navigation of a vessel.
- (ii) \$500 for the owner of a vessel actually on board.
- (iii) \$250 for any other person.
- (iv) Suspension or revocation of a license for a licensed officer.

[CGD3 85-31, 50 FR 30702, July 29, 1985. Redesignated and amended by CGD 87-008b, 52 FR 25219, July 6, 1987]

§ 100.104 Empire State Regatta, Albany, New York.

(a) *Regulated area.* That portion of the Hudson River, extending bank to bank, between the Interstate Route 9 bridge (latitude 42-42-04 N; longitude 73-42-15 W) and the Dunn Memorial bridge (latitude 42-38-32 N; longitude 73-44-55 W) in Albany, New York.

(b) *Effective period.* This regulation is effective from 12:01 pm on June 11, 1988 through 7:00 pm on June 12, 1988.

and annually thereafter during the same time periods on the first or second weekend (Friday, Saturday, and Sunday) in June as published in the First Coast Guard District Local Notice to Mariners.

(c) *Special local regulations.* (1) The regulated area will be closed to all vessel traffic, except official patrol craft and sponsor craft, during the following times: Friday from 12:01 pm to 7:00 pm; Saturday from 6:00 am to 7:00 pm; and on Sunday from 6:00 am to 7:00 pm.

(2) Vessels greater than 20 meters in length shall not transit the regulated area at any time during the effective period unless allowed to do so by the Coast Guard Patrol Commander.

(3) Vessels less than 20 meters in length may transit the regulated area at the conclusion of each day of racing. Transiting vessels will be escorted by official regatta patrol vessels specified in paragraph (c)(5) of this section. Approximate periods for transit will be: Friday at 7:00 pm through Saturday at 6:00 am; and again on Saturday at 7:00 pm through Sunday at 6:00 am.

(4) Unless otherwise directed by the Coast Guard Patrol Commander, transiting vessels shall: proceed at no-wake speeds, remain clear of the race course area as marked by the sponsor-provided buoys, not interfere with races or any shells in the area, make no stops and keep to the eastern edge of the Hudson River.

(5) Official patrol vessels include Coast Guard and Coast Guard Auxiliary vessels, New York State and local police boats and other vessels so designated by the regatta sponsor or Coast Guard Patrol Commander.

(6) No person or vessel may enter or remain in the regulated area during the effective period unless participating in the event, or authorized to be there by the sponsor or Coast Guard patrol personnel.

(7) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commis-

sioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(8) In the event of an emergency or as directed by the Coast Guard Patrol Commander, the sponsor shall dismantle the race course to allow the passage of any U.S. Government vessel or any other designated emergency vessel.

(9) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) \$500 for any person in charge of the navigation of a vessel.

(ii) \$500 for the other owner of a vessel actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

[CGD3 86-07, 51 FR 20822, June 9, 1986. Redesignated and amended by CGD 87-008b, 52 FR 25219, July 6, 1987. Further amended by CGD 1 88-021, 53 FR 17697, May 18, 1988; CGD 1 88-037, 53 FR 22484, June 16, 1988]

§ 100.105 Head of the Connecticut Regatta.

(a) *Regulated Area.* The regulated area is that section of the Connecticut River between the southern tip of Gildersleeve Island and Light Number 87.

(b) *Special Local Regulations.* (1) The regulated area is closed to all transiting vessel traffic between 9:00 a.m. and 6:00 p.m. except for escorted passages as described in (2) and (3) below. All transiting vessel movement will be done at the direction of the Coast Guard patrol commander.

(2) Vessels less than 20 meters in length will be allowed to transit the regulated area, under escort, between each of the approximately 18 heats.

(3) Vessels over 20 meters in length will be allowed to transit the regulated area, under escort, from 12:30 p.m. to 1:45 p.m. or as directed by the Coast Guard patrol commander.

(4) All transiting vessels shall operate at "No Wake" speed or five (5) knots whichever is slower.

(5) Southbound vessels awaiting escort through the regulated area will be held in the vicinity of the southern tip of Gildersleeve Island. Northbound

vessels awaiting escort will be held at Light Number 87.

(6) All vessels shall immediately follow any specific instructions given by Coast Guard patrol craft and exercise extreme caution while operating in or near the regulated area.

(7) No person shall enter or remain in the regulated area unless participating in the event or authorized by the event sponsor or Coast Guard patrol commander.

(8) The sponsor shall ensure that the event is concluded by 6:00 p.m. on the day of the event.

(c) *Effective Dates.* These regulations are effective from 9:00 a.m. to 6:00 p.m. on October 9, 1988 and each year thereafter during the same time period on the second Saturday of October or as published in the local Coast Guard Notice to Mariners.

[CGD1 88-035, 53 FR 39273, Oct. 6, 1988]

§ 100.106 Freeport Grand Prix, Long Beach, NY.

(a) *Regulated area.* The regulated area is a trapezoidal area on the coastal Atlantic waters of Long Island to the south of Long Beach, New York. The regulated area is one and one quarter (1¼) miles south of Long Beach and three and one quarter (¾) miles north of the northern boundary of Ambrose Channel and is specifically bounded as follows:

(1) *Northeast Corner.* approximately one and one quarter miles southwest of Jones Inlet breakwater at coordinates 40-33-42 North; 073-35-43 West.

(2) *Southeast Corner.* southwest of Jones Inlet Approach Buoy (R "2"; Light List Number 685) at coordinates 40-31-45 North; 073-36-19 West.

(3) *Southwest Corner.* east of East Rockaway Approach Buoy (R "4"; Light List Number 690) at coordinates 40-31-31 North; 073-42-21 West.

(4) *Northwest Corner.* 40-33-30 North; 073-40-57 West.

(b) *Special local regulations.* Vessels not participating in, or operating as a safety/rescue patrol shall:

(1) Not operate within the regulated area.

(2) Immediately follow any specific instructions given by Coast Guard patrol craft.

(3) Exercise extreme caution when operating near the regulated area.

(c) *Effective Dates.* These regulations are effective at 11:00 a.m. on August 5, 1989 and terminate at 3:00 p.m. on August 5, 1989 and will be in effect each year thereafter during the same time period on the first or second Sunday of August as published in a FEDERAL REGISTER Notice and the Coast Guard Local Notice to Mariners.

[CGD1 89-025, 54 FR 32066, Aug. 4, 1989]

§ 100.107 Windjammer Days, Boothbay Harbor, Maine.

(a) *Regulated Area.* The Boothbay Harbor entrance and harbor channel extending from the Tumbler's Island Buoy #8 area to Boothbay Inner Harbor. Specifically, the regulated area is enclosed as follows: a line drawn due east from the southwest (43-50-10 North; 069-38-20 West) to the Spruce Point Shore; thence following the shore north along Spruce Point and around the Boothbay Harbor to Railway Point (43-50-54 North; 069-38-20 West); thence extending seaward in a southerly direction back to the southwest boundary of the regulated area.

(b) *Special Local Regulations.*

(1) Between the hours of 2:30 p.m. and 4:00 p.m. on July 11, 1989 an aircraft aerobatic demonstration will take place in the southern portion of the regulated area. All transiting and spectating vessels shall remain clear of the waters below the flight area. Coast Guard vessels will be present to direct marine traffic and to establish exact spectator boundaries.

(2) When operating within the regulated area during the sail parade, all vessels with the exception of official regatta patrol vessels, shall maintain a separation of at least 100 yards from the parade participants. The 100 yard area will move with each vessel in the parade as they transit to Boothbay Inner Harbor.

(3) Between the hours of 8:00 p.m. and 10:30 p.m. on July 12, 1989, a fireworks barge will be anchored southwest of McFarland Island in approximate location 43-50-35 North; 68-30-00 West. All vessels must maintain a clearance of 300 yards from the barge.

or as directed by Coast Guard patrol vessels.

(4) All vessels shall exercise extreme caution when operating in the regulated area.

(5) Coast Guard Auxiliaries will be patrolling the regatta to advise participants, spectators, and transiting vessels the content of these regulations.

(c) *Effective Dates.* These regulations become effective at 2:00 p.m. on July 11, 1989 and terminate at 10:00 p.m. on July 12, 1989 and will be in effect each year thereafter during the same time period commencing on the second Tuesday of July or as published in a FEDERAL REGISTER Notice and the Coast Guard Local Notice to Mariners.

[CGD1 89-058, 54 FR 30038, July 18, 1989]

§ 100.108 Great Kennebec River Whatever Race.

(a) *Regulated Area.* That portion of the Kennebec River, extending bank to bank, between the Maine Route 126 bridge (at latitude 44-14 North, longitude 69-46-15 West connecting Randolph and Gardiner, Maine) to the U.S. Route 201-202 bridge (at latitude 44-18-43 North, longitude 69-46-26 West in Augusta, Maine).

(b) *Special Local Regulations.* The following requirements will be placed on vessels operating within the regulated area during the effective period of regulation:

(1) All persons on board any vessel which does not possess a valid state registration or federal documentation shall at all times wear a Coast Guard approved Type I, II, or III personal flotation device (lifejacket).

(2) Spectator and/or transiting vessels shall not exceed five (5) mph or "NO WAKE" speed, whichever is slower.

(3) All vessels shall exercise extreme caution when operating near parade participants and shall be alert for disabled craft and persons possibly falling overboard.

(4) All vessel operators shall immediately follow any instruction given by Coast Guard patrol personnel.

(5) Coast Guard Auxiliaries will be patrolling the regatta to advise participants, spectators, and transiting ves-

sels of the content of these regulations.

(6) For any violations of this regulation, the following maximum penalties are authorized by law:

(i) \$500 for any persons in charge of the navigation of a vessel.

(ii) \$500 for the owner of a vessel, if he or she is actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

(c) *Effective Dates.* These regulations are effective at 6:00 a.m. on July 2, 1989 and terminate at 6:00 p.m. on July 2, 1989 and will be in effect each year thereafter during the same time period on the first Sunday of July or as published in a FEDERAL REGISTER Notice and the Coast Guard Local Notice to Mariners.

[CGD1 89-026, 54 FR 30036, July 18, 1989]

§ 100.109 Bay Catena Mercedes Benz Off-shore Grand Prix, Manasquan, NJ.

(a) *Regulated Area.* The regulated area is the coastal Atlantic waters of New Jersey between the towns of Spring Lake and Seaside Heights. Specifically, the boundaries of the regulated area:

(1) Northerly: An east to west line at latitude 40-10-00 North.

(2) Southerly: An east to west line at latitude 39-55-00 North.

(3) Easterly: A line drawn parallel to, and one and one-half (1½) miles seaward from, the New Jersey coast between the north and south boundaries of the regulated area.

(4) Westerly: The New Jersey shoreline between the north and south boundaries of the regulated area.

(b) *Special Local Regulations.* The following regulations will be in effect:

(1) The regulated area will be closed to all traffic except participants, patrol craft, and those vessels authorized by the sponsor. The Coast Guard patrol commander may, at his discretion, allow vessels to enter the regulated area between races. Transiting and spectating vessels are exempted from this requirement as follows:

(i) *Transiting Vessels.* Vessels exiting Manasquan Inlet may transit the regulated area in a northerly direction only; navigation in any other direction

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is prohibited. Coast Guard patrol vessels will be present to direct transiting vessels to proceed north within one-quarter (¼) mile of the shore until clear of the regulated area in the vicinity of Spring Lake, NJ.

(ii) Spectating Vessels. The spectator fleet will be held behind (west of) a line running parallel to, and one-quarter (¼) mile from, the coast between the tip of the Manasquan Inlet north jetty and a point approximately one-half mile north of the jetty. The sponsor shall provide readily identifiable banners to mark the spectator area. Vessels will not be allowed to observe the race from any other area.

(2) No vessel shall proceed at a speed greater than six (6) knots while in Manasquan Inlet during the effective period of regulation.

(3) Should race participants find themselves within the spectator fleet at any time during the event, they shall immediately reduce speed, come "off plane," and not return to racing speed until clear of spectator vessels.

(4) All persons and vessels shall comply with the instructions of U.S. Coast Guard personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(5) Any violations of these regulations, by either the sponsor or participants, shall be sufficient grounds for the Coast Guard patrol commander to terminate the event.

(6) For any violations of this regulation, the following maximum penalties are authorized by law:

- (i) \$500 for any persons in charge of the navigation of a vessel.
- (ii) \$500 for the owner of a vessel, if the owner is actually onboard.
- (iii) \$250 for any other person.
- (iv) Suspension or revocation of a license for a licensed officer.

(c) *Effective Dates.* These regulations are effective at 9:00 a.m. on July 11, 1989 and terminate at 3:00 p.m. on July 11, 1989 and will be in effect each

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year thereafter during the same time period on the second Tuesday of July or as published in a FEDERAL REGISTER Notice and the Coast Guard Local Notice to Mariners.

(CGD1 98-027, 54 FR 70037, July 18, 1989)

§ 100.201 Annual marine events within the Second Coast Guard District.

(a) Permanent special local regulations are hereby established for the marine events listed in Table 1. These regulations will be effective annually, for the duration of each event, on or about the dates indicated in Table 1. Annual notice of the exact dates and times of the effective period of the regulations with respect to each event, the geographical description of each regulated area, and details concerning the nature of the event and the number of participants and types of vessels involved will be published in local notices to mariners and specially issued regatta notices. To be placed on the mailing list for such notices, contact: Commander (oan), Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri, 63103-2398.

(b) *Special Local Regulations.* (1) The U.S. Coast Guard and U.S. Coast Guard Auxiliary will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 (156.3 MHz) by the call sign "COAST GUARD PATROL COMMANDER." Vessels desiring to transit the regulated area may do so only with the prior approval of the Patrol Commander and when so directed by that officer. Vessels granted permission to transit the regulated area are to do so at "wake" speed. The above restrictions shall not apply to event participants or patrol vessels performing assigned duties.

(2) The Patrol Commander may direct the anchoring, mooring, or movement of any vessel within the regulated area. A succession of short blasts by whistle or horn from designated patrol vessel shall be the signal to stop. Failure or refusal to stop or comply with orders of the Patrol Commander may result in a

pulsion from the area, citation for failure or refusal to comply, or both.

(3) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(4) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(5) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(6) The Patrol Commander will terminate enforcement of the special regulations at the conclusion of the marine event if earlier than the announced termination time.

(c) *Effective Dates:* The effective dates and times for each regulation will be published and broadcast in local notices to mariners. All times listed will represent local time. The times will represent guidelines for possible intermittent river closures not to exceed Three (3) hours in duration. Mariners will be afforded enough time between closure periods to transit the area in a timely manner.

TABLE ONE

Kentucky Derby Festival Steamboat Race
Sponsor: Kentucky Derby Festival Inc.
Date: Early May
Location: Ohio River, mile 604.0, near Louisville, KY

Memphis in May Canoe & Kayak Race
Sponsor: Outdoors, Inc.
Date: Early May
Location: Lower Mississippi River, mile 738.5, near Memphis, TN

Cape Girardeau Riverfest
Sponsor: Cape Girardeau Riverfest Association
Date: Early June
Location: Upper Mississippi River, mile 52.0, near Cape Girardeau

Steamboat Days
Sponsor: Peoria Convention & Visitors Bureau
Date: Middle June
Location: Illinois River, mile 162.3, near Peoria, IL

Budweiser Indiana Governor's Cup
Sponsor: Madison Regatta, Inc.
Date: Late June
Location: Ohio River, mile 558.0, near Madison, IN

Riverfest
Sponsor: Riverfest, Inc.
Date: Late June

Location: Upper Mississippi River, mile 699.0, near LaCrosse, WI

Riverbend Festival Formula I Outboard Race

Sponsor: Friends of the Festival, Inc.

Date: Late June

Location: Tennessee River, mile 463.5, near Chattanooga, TN

Great Tennessee River Raft Race

Sponsor: Tennessee Jaycee Foundation

Date: Early July

Location: Tennessee River, mile 470.5, near Chattanooga, TN

Clinton Riverboat Days

Sponsor: Riverboat Days Inc.

Date: Early July

Location: Upper Mississippi River, mile 520.0, near Clinton, IA

V.P. Fair

Sponsor: V.P. Fair Foundation

Date: Early July

Location: Upper Mississippi River, mile 179.2, near St. Louis, MO

Freedom Festival's Thunder on the Ohio

Sponsor: Evansville Freedom Festival

Date: Early July

Location: Ohio River, mile 793.0, near Evansville, OH

Steubenville Regatta

Sponsor: Steubenville Regatta and Racing Association

Date: Middle July

Location: Ohio River, mile 67.0, near Steubenville, OH

Ramblin Raft Race

Sponsor: American Rafting Association

Date: Middle July

Location: Upper Mississippi River, mile 856.0, near Minneapolis, MN

River-Cade Festival & Fireworks

Sponsor: Port of Sioux City River-Cade Association, Inc.

Date: Late July

Location: Missouri River, mile 731.0, near Sioux City, IA

Hastings Flotilla Frolic

Sponsor: Hastings Flotilla Frolic Association

Date: Late July

Location: Upper Mississippi River, mile 814.0, near Hastings, MN

Oakmont Yacht Club Regatta

Sponsor: Oakmont Yacht Club

Date: Late July

Location: Allegheny River, mile 12.0, near Oakmont, PA

Minneapolis Aquatennial Formula I Grand Prix

Sponsor: Minneapolis Aquatennial Association

Date: Late July

Location: Upper Mississippi River, mile 854.8, near Minneapolis, MN

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Riverfront Regatta
 Sponsor: The Downtown Council
 Date: Late July
 Location: Ohio River, mile 470.8, near Cincinnati, OH

Huntington-Miller Classic
 Sponsor: Tri-State Fair and Regatta
 Date: Late July
 Location: Ohio River, mile 307.5, near Huntington, WV

Keokuk Powerboat Nationals
 Sponsor: Midwest Power Boat Association
 Date: Late July
 Location: Upper Mississippi River, mile 362.5, near Keokuk, IA

Pittsburgh Three Rivers Regatta
 Sponsor: Pittsburgh Three Rivers Regatta
 Date: Early August
 Location: Ohio, Allegheny & Monongahela Rivers, mile 00.0, near Pittsburgh, PA

Ohio River Festival Regatta
 Sponsor: Ohio River Festival Inc.
 Date: Early August
 Location: Ohio River, mile 220.0, near Ravenswood, WV

Beaver County River Regatta
 Sponsor: Beaver County River Regatta, Inc.
 Date: Middle August
 Location: Beaver River, mile 00.0, near Bridgewater, PA

Lansing Venetian Night
 Sponsor: Lansing Lions Club, Inc.
 Date: Middle August
 Location: Upper Mississippi River, mile 664.0, near Lansing, IA

USDBA/Florence, AL World Finals
 Sponsor: City of Florence
 Date: Middle August
 Location: Tennessee River, mile 257.0, near Florence, AL

Ohio River Championship River Days
 Sponsor: River Days Committee
 Date: Late August
 Location: Ohio River, mile 355.5, near Portsmouth, OH

Annual Charleston Sternwheel Regatta
 Sponsor: Charleston Festival Commission, Inc.
 Date: Late August
 Location: Great Kan. wha River, mile 58.0, near Charleston, WV

Boatarama
 Sponsor: Marine Retailers of Louisville
 Date: Late August
 Location: Ohio River, mile 604.3, near Louisville, KY

Armstrong County Chamber of Commerce Regatta
 Sponsor: Armstrong County Chamber of Commerce
 Date: Late August
 Location: Allegheny River, mile 45.0, near Kittanning, PA

New Richmond Riverfest
 Sponsor: New Richmond Riverfest, Inc.
 Date: Late August
 Location: Ohio River, mile 450.6, near New Richmond, OH

The Great Missouri River Raft Regatta
 Sponsor: The Great Missouri River Raft Regatta
 Date: Early September
 Location: Missouri River, mile 627.5, near Omaha, NE

Ohio Sternwheel Festival
 Sponsor: Ohio River Sternwheel Festival
 Date: Early September
 Location: Ohio River, mile 171.9, near Marietta, OH

American Performance Racing Regatta
 Sponsor: Heritage Corporation of Louisville & Jefferson County
 Date: Early September
 Location: Ohio River, mile 604.0, near Louisville, KY

Steamboat Days Airshow
 Sponsor: Steamboat Days Festival, Inc.
 Date: Early September
 Location: Ohio River, mile 603.0, near Louisville, KY

Port Smith United Way Raft Race
 Sponsor: United Way of Port Smith, Inc.
 Date: Early September
 Location: Arkansas River, mile 308.5, near Port Smith, AR

Heartland Thunderfest
 Sponsor: Mississippi River Heartland Music Productions Ltd.
 Date: Early September
 Location: Upper Mississippi River, mile 456.2, near Davenport, IA

Toyota/WEBN Fireworks
 Sponsor: WEBN Radio
 Date: Early September
 Location: Ohio River, mile 470.0, near Cincinnati, OH

Annual Fernbank Regatta
 Sponsor: Ohio Valley Motorboat Racing Association
 Date: Early September
 Location: Ohio River, mile 483.0, near Cincinnati, OH

Hoosier Boy Regatta
 Sponsor: Indiana Outboard Association
 Date: Middle September
 Location: Ohio River, mile 505.5, near Rising Sun, IN

River Heritage Days
 Sponsor: American Performance Racing
 Date: Middle September
 Location: Ohio River, mile 129.5, near Martinsville, WV

[CGD 2-90-02, 55 FR 24229, June 15, 1990]
 EFFECTIVE DATE NOTE: At 55 FR 24229, June 15, 1990, § 100.201 was revised, eff.

tive July 16, 1990. For the convenience of the user the superseded text appears as follows:

§ 100.201 Annual marine events within the Second Coast Guard District.

Permanent special local regulations are hereby established for the marine events listed in Table 1. These regulations will be effective annually, for the duration of each event, on or about the dates indicated in Table 1. Annual notice of the exact dates and times of the effective period of the regulations with respect to each event, the geographical description of each regulated area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will be published in local notices to mariners. To be placed on the mailing list for such notices, contact: Commander (oan), Second Coast Guard District, 1430 Olive St. St. Louis, MO 63103-2398.

(a) The Coast Guard will maintain a patrol consisting of regular and auxiliary Coast Guard vessels in the regatta area. This patrol will be under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 (156.8 MHz) by the call sign "COAST GUARD PATROL COMMANDER." Vessels desiring to transit the regulated area may do so with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum, and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

(b) The Patrol Commander may direct the anchoring, mooring or movement of any boat or vessel within the regatta area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the director of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(c) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(d) The Patrol Commander may restrict vessel operation within the regatta area to vessels having particular operating characteristics.

(e) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

TABLE 1

Kentucky Derby Festival Steamboat Race
Sponsor: Kentucky Derby Festival Inc.
Date: Late April
Location: Ohio River, Mile 604, near Louisville, KY
Memphis in May Canoe & Kayak Race
Sponsor: Outdoors, Inc.
Date: Early May
Location: Lower Mississippi River, mile 738.5, near Memphis, TN
Great Tennessee River Raft Race
Sponsor: Tennessee Jaycee Foundation
Date: Early June
Location: Tennessee River, mile 470.5, near Chattanooga, TN
Steamboat Days
Sponsor: Peoria Convention & Visitors Bureau
Date: Middle June
Location: Illinois River, mile 162.3, near Peoria, IL
Riverbend Festival Formula I Outboard Races
Sponsor: Friends of the Festival, Inc.
Date: Middle June
Location: Tennessee River, mile 463.5, near Chattanooga, TN
Outboard Power Boat Races & Fireworks
Sponsor: Tri-State Fair and Regatta
Date: Late June
Location: Ohio River, mile 327.0, near Ironton, OH
New Martinsville Regatta
Sponsor: New Martinsville Regatta Inc.
Date: Early July
Location: Ohio River, mile 129.5, near New Martinsville, WV
Riverfest
Sponsor: Riverfest Inc.
Date: Early July
Location: Upper Mississippi River, mile 697.0, near Lacrosse, WI
Budweiser Indiana Governors Cup
Sponsor: Madison Regatta, Inc.
Date: Early July
Location: Ohio River, mile 557.0, near Madison, IN
Clinton Riverboat Days
Sponsor: Riverboat Days Inc.
Date: Early July
Location: Upper Mississippi River, mile 519.0, near Clinton, IA
V.P. Fair
Sponsor: V.P. Fair Foundation
Date: Early July
Location: Upper Mississippi River, mile 179.2, near St. Louis, MO
Freedom Festival/Thunder on the Ohio
Sponsor: Thunder on the Ohio
Date: Late June
Location: Ohio River, mile 792.0, near Evansville, IN
Ramblin Raft Race
Sponsor: American Rafting Assn.

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Date: Middle July
Location: Upper Mississippi River, mile 856.0, near Minneapolis, MN
Port of Sioux City River-Cade Assn.
Date: Middle July
Location: Missouri River, mile 731.0, near Sioux City, IA
Huntington-Miller Classic Powerboat
Sponsor: Tri-State Fair and Regatta
Date: Late July
Location: Ohio River, mile 307.5, near Huntington, WV
Oakmont Yacht Club Regatta
Sponsor: Oakmont Yacht Club
Date: Late July
Location: Allegheny River, mile 12.0, near Oakmont, PA
Minneapolis Aquatennial Flotilla & Prolific
Sponsor: Minneapolis Aquatennial Assn.
Date: Late July
Location: Upper Mississippi River, mile 813.0, near Hastings, MN
Minneapolis Aquatennial Formula I Grand Prix
Sponsor: Minneapolis Aquatennial Assn.
Date: Late July
Location: Upper Mississippi River, Mile 854.8, near Minneapolis, MN
Pittsburgh Three Rivers Regatta
Sponsor: Pittsburgh Three Rivers Regatta
Date: Late July
Location: Ohio, Allegheny & Monongahela Rivers, miles 00.0, near Pittsburgh, PA
Ohio River Festival Regatta
Sponsor: Ohio River Festival Inc.
Date: Early August
Location: Ohio River, mile 220.0, near Ravenswood, WV
Annual Fernbank Regatta
Sponsor: Ohio Valley Motorboat Racing Assn.
Date: Early August
Location: Ohio River, mile 483.0, near Fernbank, OH
Beaver County River Regatta
Sponsor: Beaver County River Regatta Inc.
Date: Middle August
Location: Beaver River, mile 000.0, near Bridgewater, PA
Hoosier Boy Regatta
Sponsor: Indiana Outboard Assn.
Date: Middle August
Location: Ohio River, mile 505.5, near Rising Sun, IN
Armstrong Co. Chamber of Commerce Regatta
Sponsor: Three Rivers Outboard Racing Assn.
Date: Middle August
Location: Allegheny River, mile 44.0, near West Kittanning, PA
Power Boat Racing/Anything That Floats
Sponsor: Kanawha River Navy

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Date: Middle August
Location: Kanawha River, mile 58.0, near Charleston, WV
Ohio River Championship River Days
Sponsor: Riverdays Committee
Date: Late August
Location: Ohio River, mile 355.5, near Portsmouth, OH
Annual Charleston Sternwheel Regatta
Sponsor: Charleston Festival Commission
Date: Late August
Location: Kanawha River, mile 58.0, near Charleston, WV
Ft. Smith United Way Raft Race
Sponsor: United Way of Ft. Smith Inc.
Date: Early September
Location: Arkansas River, mile 308.5, near Ft. Smith, AR
Air Show
Sponsor: Steamboat Days Festival Inc.
Date: Early September
Location: Ohio River, mile 602.0, near Louisville, KY
Hudy Gold/WEBN Fireworks
Sponsor: WEBN Radio
Date: Late August
Location: Ohio River, mile 470.0, near Cincinnati, OH
(CGD2 87-01, 52 FR 18563, May 18, 1987)

§ 100.501 Norfolk Harbor, Elizabeth River, Norfolk, Virginia and Portsmouth, Virginia.

(a) *Definitions*—(1) *Regulated area*. The waters of the Elizabeth River and its branches from shore to shore, bounded to the northwest by a line drawn across the Port Norfolk Reach section of the Elizabeth River between the northern corner of the landing at Hospital Point, Portsmouth, Virginia, latitude 36°50'51.0" North, longitude 76°18'09.0" West and the north corner of the City of Norfolk Mooring Pier at the foot of Brooks Avenue located at latitude 36°51'00.0" North, longitude 76°17'52.0" West; bounded on the southwest by a line drawn from the southern corner of the landing at Hospital Point, Portsmouth, Virginia, at latitude 36°50'50.0" North, longitude 76°18'10.0" West, to the northern end of the eastern most pier at the Tidewater Yacht Agency Marina, located at latitude 36°50'29.0" North, longitude 76°17'52.0" West; bounded to the south by a line drawn across the Lower Reach of the Southern Branch of the Elizabeth River, between the Portsmouth Lightship Museum located at the foot of London Boulevard, and

Portsmouth, Virginia at latitude 36°50'10.0" North, longitude 76°17'47.0" West, and the northwest corner of the Norfolk Shipbuilding & Drydock, Berkley Plant, Pier No. 1, located at latitude 36°50'08.0" North, longitude 76°17'39.0" West; and to the southeast by the Berkley Bridge which crosses the Eastern Branch of the Elizabeth River between Berkley at latitude 36°50'21.5" North, longitude 76°17'14.5" West, and Norfolk at latitude 36°50'35.0" North, longitude 76°17'10.0" West.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commander, Coast Guard Group, Hampton Roads.

(b) *Special local regulations.* (1) Except for participants registered with the event sponsor and vessels that are moored to a pier, dock or shore, no person or vessel may enter or remain in the regulated area without permission of the Coast Guard Patrol Commander.

(2) The operator of any vessel in the regulated areas shall:

(i) Stop the vessel immediately when directed to do so by any Coast Guard commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign; or

(ii) Proceed as directed by any Coast Guard commissioned, warrant or petty officer.

(3) Spectator vessels may anchor outside the regulated area specified in paragraph (a)(1) of this section, but may not block the channel.

(4) The Coast Guard Patrol Commander may stop the event to assist the transit of marine traffic through the regulated area.

(5) Vessels anchored in the special anchorage areas described in §110.72aa(a) of this title may remain in the regulated area without the permission of the Patrol Commander.

(c) *Effective period.* This regulation is effective at different times and dates throughout the year. The Com-

mander, Fifth Coast Guard District publishes a notice in the Fifth Coast Guard District Local Notice to Mariners and in the FEDERAL REGISTER that announces the time and dates when the regulations are in effect.

[CGD 05-87-27, 52 FR 19125, May 27, 1987, as amended at CGD 05-88-12, 53 FR 20320, June 3, 1988; CGD 05-89-03, 54 FR 6392, Feb. 10, 1989]

§ 100.502 Barnegat Bay Classic, Barnegat Bay, Toms River, New Jersey.

(a) *Definitions.* (1) *Regulated Area.* The waters of Barnegat Bay bounded by a line connecting the following points:

Latitude	Longitude
39°49'16.0" N.	74°08'43.0" W.
39°49'16.0" N.	74°06'10.0" W.
39°53'15.0" N.	74°06'10.0" W.
39°53'15.0" N.	74°07'19.0" W.
39°50'59.0" N.	74°07'19.0" W.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Group Cape May.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a)(1) of these regulations but may not block a navigable channel.

(c) *Effective Period.* The Commander, Fifth Coast Guard District will

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publish a notice in the **FEDERAL REGISTER** and in the Fifth Coast Guard District Local Notice to Mariners announcing the times and dates that this section is in effect.

[CGD 05-89-13, 54 FR 32442, Aug. 8, 1989]

§ 100.504 Night in Venice, Great Egg Harbor Bay, City of Ocean City, NJ.

(a) *Regulated area.* The southwest side of Ship Channel from Buoy C, seaward to Board Thorofare Buoy No. 17 (black can) to Ocean City Longport Bridge, thence south to Great Egg Waterway Daybeacon 28.

(b) *Effective period.* This regulation will be effective from 4:30 p.m. to 11:45 p.m. annually on the fourth Saturday in July unless otherwise specified in the Coast Guard Local Notice to Mariners and a **FEDERAL REGISTER** Notice.

(c) *Special local regulations.* (1) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No person or vessel may enter or remain in the regulated area unless participating in the event, or authorized to be there by the sponsor or Coast Guard patrol personnel.

(3) Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area prior to the start of the parade in such a way that they shall not interfere with mariners transiting Great Egg Harbor Bay. The spectator fleet shall be held behind buoys or committee boats provided by the sponsor in the following areas:

(i) Northwestward of a line marked by a patrol vessel in position 39 degrees 17 minutes 45 seconds North latitude; 074 degrees 33 minutes 45 seconds West longitude to the 9th Street Route 52 Bridge in Ocean City, New Jersey, including Great Egg Waterway Red Buoy No. 2, but shall not extend northwestward of the Great Egg Waterway Point Buoy.

(ii) Westward of a line of buoys between Great Egg Waterway Buoys 10 and 14.

(iii) Within the area around the shoals and islands in Beach Thorofare between Great Egg Waterway Buoys 15 and 21. This area shall at no point be closer than 150 yards from the line

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of bulkheads and lagoon entrances in Ocean City, New Jersey.

(4) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(5) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) \$500 for any person in charge of the navigation of a vessel.

(ii) \$500 for the owner of a vessel actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

[CGD3 85-08, 50 FR 29272, July 18, 1985; Redesignated and amended by CGD 8-008b, 52 FR 25219, July 6, 1987]

§ 100.505 New Jersey Offshore Grand Prix.

(a) *Regulated area.* The Manasquan River from the New York and Long Branch Railroad to Manasquan Inlet, together with all of the navigable waters of the United States from Asbury Park, New Jersey, latitude 40 degrees, 14 minutes north; southward to Seaside Park, New Jersey latitude 39 degrees, 55 minutes north, from the New Jersey shoreline seaward to the limits of the Territorial Sea. The race course area extends from Asbury Park to Seaside Park from the shoreline seaward to a distance of 8.4 nautical miles.

(b) *Effective period.* This regulation will be effective from 8:00 a.m. to 5:00 p.m. annually on the third Wednesday in July unless otherwise specified in the Coast Guard Local Notice to Mariners and a **FEDERAL REGISTER** Notice.

(c) *Special local regulations.* (1) The regulated area shall be closed intermittently to general navigation during the effective period. No person or vessel may enter or remain in the regulated area while it is closed unless

participating in the event or authorized by the sponsor or regatta patrol personnel.

(2) All persons or vessels not registered with sponsor as participants or part of the regatta patrol are considered spectators.

(3) The spectator fleet shall be held in spectator anchorage areas marked by patrol vessels. The sponsor provided boats shall fly colored pennants to aid in their identification. Spectator anchorages areas are established as follows:

(i) *Asbury Park, NJ south to Manasquan Inlet, NJ.* The spectator fleet will be held behind (west of) a line running north to south from the Asbury Park Convention Center to the north jetty at Manasquan Inlet. At the Asbury Park Convention Center the spectator fleet shall be held behind a line north of the Convention Center Pier. These lines will be set up by the Coast Guard Patrol Commander on the day of the race.

(ii) *Seaside Heights.* The spectator fleet shall be held behind a line south of the Seaside Puntown Pier. This line shall be set by the Coast Guard Patrol Commander on the day of the race.

(4) No spectator, press or commercial fishing boats shall cross the race course without the permission of the Patrol Commander. Those vessels wishing to cross the race course shall obtain permission to do so by contacting the nearest Coast Guard patrol vessel.

(5) No vessel shall proceed at a speed greater than six (6) knots while in Manasquan Inlet during the effective period.

(6) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(7) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) \$500 for any person in charge of the navigation of a vessel.

(ii) \$500 for the owner of a vessel actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

[CGD3 85-19, 50 FR 28574, July 15, 1985. Redesignated and amended by CGD 87-008b, 52 FR 25219, July 6, 1987]

§ 100.507 Chesapeake Bay Bridges Swim Races, Chesapeake Bay, Maryland.

(a) *Definitions*—(1) *Regulated Area.* The waters of the Chesapeake Bay between and adjacent to the spans of the William P. Lane Jr. Memorial Bridge shore to shore 500 yards north of the north span of the bridge from the western shore at latitude 39°00'36" North, longitude 76°23'05" West and the eastern shore at latitude 38°59'14" North, longitude 76°20'00" West, and 500 yards south of the south span of the bridge from the western shore at latitude 39°00'16" North, longitude 76°24'30" West and the eastern shore at latitude 38°58'38.5" North, longitude 76°20'06" West.

(2) *The Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Group Baltimore.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the operator's vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer.

(c) *Effective period.* This section is effective during the Chesapeake Bay Bridges Swim, and for one hour before the event starts. The Commander, Fifth Coast Guard District publishes a notice in the *FEDERAL REGISTER* and the Fifth Coast Guard District Local Notice to Mariners that announces the

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time and dates that the section is in effect.

[CGD 05-88-19, 53 FR 21997, June 13, 1988]

§100.508 Hampton River, Hampton, Virginia.

(a) *Definitions*—(1) *Regulated Area*: The waters of Sunset Creek and Hampton River shore to shore bounded to the north by the C & O Railroad Bridge and to the south by a line drawn from Hampton River Channel Light 16 (LL 5715), located at latitude 37°01'03.0" North, longitude 76°20'26.0" West, to the finger pier across the river at Fisherman's Wharf, located at latitude 37°01'01.5" North, longitude 76°20'32.0" West.

(2) *Spectator Vessel Anchorage Areas*—(i) *Area A*. Located in the upper reaches of the Hampton River, bounded to the south by a line drawn from the western shore at latitude 37°01'48.0" North, longitude 76°20'22.0" West, across the river to the eastern shore at latitude 37°01'44.0" North, longitude 76°20'13.0" West, and to the north by the C & O Railroad Bridge. The anchorage area will be marked by orange buoys.

(ii) *Area B*. Located on the eastern side of the channel, in the Hampton River, south of the Queen Street Bridge, near the Bayberry Psychiatric Hospital. Bounded by the shoreline and a line drawn between the following points: Latitude 37°01'26.0" North, longitude 76°20'24.0" West, latitude 37°01'22.0" North, longitude 76°20'26.0" West, and latitude 37°01'22.0" North, longitude 76°20'23.0" West. The anchorage area will be marked by orange buoys.

(3) *Coast Guard Patrol Commander*: The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Group Hampton Roads.

(b) *Special Local Regulations*—(1) Except for vessels operated by Bay Days, Inc., participants in the Hampton Bay Days Festival, and as provided in paragraph (b)(2) of this section; no person or vessel may enter or remain in the regulated area without the permission of the Coast Guard Patrol Commander.

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(2) Spectator vessels may enter and anchor in the special spectator anchorage areas described in paragraph (a)(2) of this section without the permission of the Patrol Commander, if they proceed at a slow, no wake speed while in the regulated area.

(3) Vessels less than 20 meters long may anchor in the special anchorage areas described in paragraph (a)(2) of this section without exhibiting the anchor lights and shapes required by Inland Navigation Rule 30, 33 U.S.C. 2030.

(4) The operator of any vessel in the immediate vicinity of the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Coast Guard commissioned, warrant, or petty officer on board a vessel displaying the Coast Guard ensign.

(ii) Proceed as directed by any Coast Guard commissioned, warrant, or petty officer.

(c) *Effective period*: This section is effective during Hampton Bay Days Festival events, and or one hour before each event starts and one hour after each event ends. The Commander, Fifth Coast Guard District publishes a notice in the *FEDERAL REGISTER* and the Fifth Coast Guard District Local Notice to Mariners that announces the times and dates this section is in effect.

[CGD 05-88-32, 53 FR 35070, Sept. 9, 1988]

§100.509 Delaware River, Philadelphia, Pennsylvania.

(a) *Definitions*:

(1) *Regulated Area*: The waters of the Delaware River from shore to shore, bounded to the south by a line drawn from Pier 30, Penns Landing Delaware River, Philadelphia, Pennsylvania, at latitude 39°56'24.0" North, longitude 75°08'26.0" West, across the river to the eastern shoreline at Camden, New Jersey, at latitude 39°56'24.0" North, longitude 75°07'51.0" West, and bounded to the north by the Benjamin Franklin Bridge.

(2) *The Coast Guard Patrol Commander*: The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the

Commander, Coast Guard Group Philadelphia.

(b) *Special Local Regulations:*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of these regulations but may not block a navigable channel.

(c) *Effective Period:* This section is effective during, and for one hour before the events start. The Commander, Fifth Coast Guard District publishes a notice in the *FEDERAL REGISTER* and in the Fifth Coast Guard District Local Notice to Mariners that announces the times and dates that this section is in effect.

[CGD 05-88-35, 54 FR 29677, Aug. 8, 1988]

§ 100.510 Susquehanna River, Havre de Grace, Maryland.

(a) *Definitions—(1) Regulated area.*

The waters of the Susquehanna River west of Garrett Island, bounded on the south by the Conrail Railroad Bridge centered at latitude 39°33'16.5" North, longitude 76°05'07.0" West; and on the north by the B&O Railroad Bridge centered at latitude 39°34'05.0" North, longitude 76°05'20.0" West.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Coast Guard Group Baltimore.

(b) *Special local regulations.* (1) Except for vessels operated by the Susquehanna Optimist Club and participants in the Optimist Club Power Boat Regatta, no person or vessel may enter or remain in the regulated area without the permission of the Coast Guard Patrol Commander.

(2) Spectator vessels may enter and anchor in the special spectator an-

chorage areas described in paragraph (c) of this section without the permission of the Patrol Commander, if they proceed at a slow no wake speed while in the regulated area.

(3) The operator of any vessel in the immediate vicinity of the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Coast Guard commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any Coast Guard commissioned, warrant, or petty officer.

(c) *Spectator Vessel Anchorage Areas—(1) Anchorage Area A.* The waters bounded by a line connecting the following points:

Latitude	Longitude
39°33'28.0" N	76°05'13.0" W
39°33'28.0" N	76°05'16.0" W
39°33'22.5" N	76°05'16.0" W
39°33'19.0" N	76°05'24.0" W
39°33'16.0" N	76°05'24.0" W
39°33'20.0" N	76°05'13.0" W

(2) *Anchorage Area B:* The waters bounded by a line connecting the following points:

Latitude	Longitude
39°33'30.0" N	76°05'13.0" W
39°33'52.0" N	76°05'28.0" W
39°33'51.0" N	76°05'28.0" W
39°33'28.0" N	76°05'16.0" W

(3) *Anchorage Area C:* The waters bounded by a line connecting the following points:

Latitude	Longitude
39°33'52.0" N	76°05'30.0" W
39°34'00.0" N	76°05'30.0" W
39°33'56.0" N	76°05'39.0" W

(d) *Effective period:* The Commander, Fifth Coast Guard District, publishes a notice in the *FEDERAL REGISTER* and the Fifth Coast Guard District Local Notice to Mariners that announces the times and dates this section is in effect.

[CGD 05-88-57, 54 FR 12191, Mar. 24, 1989]

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§ 100.511 Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland.

(a) *Definitions.*—(1) *Regulated area.* The approaches to Annapolis Harbor, the waters of Spa Creek, and the Severn River, shore to shore, bounded on the south by a line drawn from Carr Point, at latitude 38°58'58.0" North, longitude 76°27'40.0" West, thence to Horn Point Warning Light (LLNR 17935), at 38°58'24.0" North, longitude 76°28'10.0" West, thence to Horn Point, at 38°58'20.0" North, longitude 76°28'27.0" West, and bounded on the north by the State Route 450 Bridge.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Group Baltimore.

(b) *Special local regulations.*—(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of this section but may not block a navigable channel.

(c) *Effective period.* The Commander, Fifth Coast Guard District, publishes a notice in the *FEDERAL REGISTER* and the Fifth Coast Guard District Local Notice to Mariners that announces the times and dates that the section is in effect.

[CGD 05-89-06, 54 FR 22438, May 24, 1989]

§ 100.512 American Diabetes Association Reach the Beach Triathlon, Choptank River, Cambridge, Maryland.

(a) *Definitions.*—(1) *Regulated area.* The waters of the Choptank River between the Choptank River Bridge and a line drawn from the northern shore, at latitude 38°35'37" North, longitude

76°03'08" West, to the southwestern shore, at latitude 38°35'31" North, longitude 76°04'52" West.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Group Baltimore.

(b) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of this section but may not block a navigable channel.

(c) *Effective period.* The Commander, Fifth Coast Guard District, will publish a notice in the *FEDERAL REGISTER* and the Fifth Coast Guard District Local Notice to Mariners announcing the times and date this section is in effect.

[CGD 05-89-08, 54 FR 23474, June 1, 1989]

§ 100.513 Wrightsville Channel, Wrightsville Beach, North Carolina.

(a) *Definitions.*—(1) *Regulated area.* The waters of, and adjacent to, Wrightsville Channel, from Wrightsville Channel Daybeacon 14 (LLNR 28040), located at 34°12'18.0" N., longitude 77°48'10.0" W., to Wrightsville Channel Daybeacon 25 (LLNR 28080), located at 34°12'51.0" N., longitude 77°48'53.0" W.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Group Fort Macon.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Com

mander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Any spectator vessel may anchor outside the regulated area specified in paragraph (a)(1) of this section but may not block a navigable channel.

(c) *Effective Period.* The Commander, Fifth Coast Guard District will publish a Notice in the *FEDERAL REGISTER* and in the Fifth Coast Guard District Local Notice to Mariners announcing the date and times this section is in effect.

[CGD 05-89-81, 54 FR 39730, Sept. 28, 1989]

§ 100.514 Fourth of July Fireworks Display; Parker Island, Little Egg Harbor, New Jersey.

(a) *Definitions.*—(1) *Regulated Area.* The waters of Little Egg Harbor bounded by the arc of a circle with a radius of 1,000 feet and with its center located at latitude 39°34'18.0" North, longitude 74°14'43.0" West.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Group Cape May, New Jersey.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Any spectator vessel may anchor outside of the regulated area specified

in paragraph (a)(1) of these regulations but may not block a navigable channel.

(c) *Effective Period.* The Commander, Fifth Coast Guard District will publish a Notice in the *FEDERAL REGISTER* and in the Fifth Coast Guard District Local Notice to Mariners announcing the date and times that this section is in effect.

[CGD 05-89-10, 54 FR 25850, June 20, 1989]

§ 100.515 Patapsco River, Baltimore, Maryland.

(a) *Definitions.* (1) *Regulated area.* The waters of the Patapsco River bounded by the arc of a circle with a radius of 1,000 feet and with its center located at latitude 39°15'44.5" North, longitude 76°34'40.0" West.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Group Baltimore.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Any spectator vessel may anchor outside the regulated area specified in paragraph (a)(1) of these regulations but may not block a navigable channel.

(c) *Effective Period.* The Commander, Fifth Coast Guard District will publish a Notice in the *FEDERAL REGISTER* and in the Fifth Coast Guard District Local Notice to Mariners announcing the date and times this section is in effect.

[CGD 05-89-17, 54 FR 30035, July 18, 1989]

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§ 100.901 Great Lakes annual marine events.

Permanent special local regulations are hereby established for the marine events listed in Table 1. These regulations will be effective annually, for the duration of each event, on or about the dates indicated in Table 1. Annual notice of the exact dates and times of the effective period of the regulations with respect to each event, the geographical description of each regulated area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will be published in local notices to mariners. To be placed on the mailing list for such notices, contact: Commander(oan), Ninth Coast Guard District, 1240 E. Ninth St., Cleveland, OH 44199-2060. *Sponsors of events listed in Table 1 must still submit an application each year in accordance with 33 CFR 100.15.*

(a) The Coast Guard will patrol the regatta area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 (156.8 MHZ) by the call sign "Coast Guard Patrol Commander." Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum, and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

(b) The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regatta area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(c) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(d) The Patrol Commander may restrict vessel operation within the regatta area to vessels having particular operating characteristics.

(e) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

TABLE 1

Cleveland National Air Show
Sponsor: Cleveland National Air Show
Date: Labor Day Weekend
Location: Lake Erie and Cleveland Harbor, near Cleveland, OH
International Freedom Festival Tug of War
Sponsor: Detroit Renaissance Foundation
Date: Late June
Location: Detroit River, Hart Plaza to Windsor Riverfront, near Detroit, MI
Budweiser Thunderboat Championship
Sponsor: Spirit of Detroit Association
Date: Early June
Location: Detroit River, between Belle Isle and the U.S. shoreline, near Detroit, MI
Chicago Air and Water Show
Sponsor: Chicago Park District
Date: Mid July
Location: Lake Michigan, off North Avenue Beach, near Chicago, IL
Toledo International Grand Prix
Sponsor: City of Toledo, Toledo International Grand Prix and Greater Toledo Marketing Group
Date: Late May
Location: Maumee River, between the Cherry Street Bridge and the Anthony Wayne Bridge, near Toledo, OH
Niagara River Grand Prix
Sponsor: Niagara Inboard Boat Club
Date: Late July
Location: Niagara River, off Two Mile Creek, near Tonawanda NY
Spirit of America Offshore Grand Prix
Sponsor: Grand Isle Marina
Date: Mid August
Location: Lake Michigan, off Grand Haven, MI
Sohio Riverfest
Sponsor: Flats Riverfest Corporation
Date: Late July
Location: Cuyahoga River, Conrail Railroad Bridge at Mile 0.8 above the mouth of the river to the Eagle Avenue Bridge, near Cleveland, OH
Sandusky Bay Challenge
Sponsor: Great Lakes Offshore Powerboat Racing Association
Date: Late May

Location: Lake Erie, Sandusky Bay, near Sandusky, OH
 Bay Harbor Charity Classic (formerly the National Offshore Races)
 Sponsor: Harbor Yacht Sales
 Date: Late August
 Location: Saginaw Bay, mouth of the Saginaw River, near Saginaw, MI
 Huron Water Festival
 Sponsor: Huron Festivals, Inc.
 Date: Mid July
 Location: Huron River, Huron Inner Light and the Huron Inner East Light to the U.S. Highway 6 bridge, near Huron, OH
 East River Classic
 Sponsor: WNY Offshore Powerboat Association
 Date: Mid August
 Location: Niagara River, from the South Grand Island Bridge to the south entrance of the Niagara River Yacht Club, near Tonawanda, NY
 International Freedom Festival Fireworks
 Sponsor: Detroit Renaissance Foundation
 Date: Late June
 Location: Detroit River, between Hart Plaza and Cobo Arena, near Detroit, MI
 Toledo 4th of July Fireworks
 Sponsor: City of Toledo
 Date: Early July
 Location: Maumee River, between the Cherry and Anthony Wayne bridges, near Toledo, OH
 Festival USA Fireworks
 Sponsor: Superior Area Chamber of Commerce
 Date: Early July
 Location: Duluth Superior Harbor, off Barker's Island, near Superior, WI
 Duluth Fourth Fest Fireworks
 Sponsor: Office of the Mayor, Duluth, MN
 Date: Early July
 Location: Duluth Harbor Basin Northern Section, near Duluth, MN
 Toledo Labor Day Fireworks
 Sponsor: Reams Broadcasting Corporation
 Date: Early September
 Location: Maumee River, between the Cherry and Anthony Wayne bridges, near Toledo, OH
 Grand Island Offshore Challenge
 Sponsor: Champion Offshore Boat Racing Association
 Date: Early September
 Location: Niagara River, Tonawanda Channel, near Tonawanda, NY

[CGD 09-88-01, 54 FR 29547, July 13, 1989]

§100.1101 Southern California Annual marine events.

(a) Special local regulations will be established for the events listed in Table 1. Further information on exact dates, times, details concerning number and type of participants and

an exact geographical description of the areas are published by the Eleventh Coast Guard District in the Local Notice to Mariners at least 20 days prior to each event. To be placed on the mailing list contact: Commander (oan), Eleventh Coast Guard District, 400 Ocean Gate Blvd., Long Beach, CA 90822-5399.

(b) *Special local regulations.* All persons and/or vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned and/or approved, by Commander, Eleventh Coast Guard District to patrol each event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given, failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander shall be designated by the Commander, Eleventh Coast Guard District, and as his representative may terminate the event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

TABLE 1

Del Rey to Puerto Vallarta Race
Sponsor: Del Rey Yacht Club
Date: February
Location: Santa Monica Bay, that portion bounded by the following coordinates: Lat 33 degrees 56'23" N, Long 118 degrees 28'20" W, Lat 33 degrees 56'23" N, Long 118 degrees 28'55" W, Lat 33 degrees 56'55" N, Long 118 degrees 28'55" W, Lat 33 degrees 56'55" N, Long 118 degrees 28'20" W. This area is for the start of the race only.
San Diego Crew Classic

Sponsor: San Diego Crew Classic

Date: April

Location: Mission Bay, that portion bounded by Enchanted Cove, Fiesta Island, Pacific Passage and DeAnza Point.

Newport to Ensenada Race

Sponsor: Newport Ocean Sailing Association

Date: Late April

Location: That portion of the Pacific Ocean off Newport, bounded by the following coordinates: Lat 33 degrees 35.3' N, Long 117 degrees 53.3' W; Lat 33 degrees 34.9' N, Long 117 degrees 53.3' W; Lat 33 degrees 34.9' N, Long 117 degrees 54.5' W; Lat 33 degrees 35.3' N, Long 117 degrees 54.5' W. This area is for the start of the race only.

California Cup

Sponsor: California Yacht Club

Date: Late May (4 day event)

Location: Santa Monica Bay, that portion bounded by the following coordinates: Lat 34 degrees 01.4' N, Long 118 degrees 31.8' W; Lat 33 degrees 59.7' N, Long 118 degrees 37.9' W; Lat 33 degrees 59.2' N, Long 118 degrees 37.7' W; Lat 33 degrees 59.5' N, Long 118 degrees 33.4' W; Lat 33 degrees 57.0' N, Long 118 degrees 30.9' W; Lat 33 degrees 57.2' N, Long 118 degrees 30.1' W.

Coronado 4th of July Demonstration, Fireworks and Rehearsals

Sponsor: Citizens Committee Coronado 4th of July

Date: 4 July (& 3 days of rehearsals prior to)

Location: Glorietta Bay, Coronado, the following portions: (1) Demonstration Area—from the tip of the marina, Lat 32 degrees 40'43.5" N, Long 117 degrees 10'20.5" W; northeast to Lat 32 degrees 40'48.5" N, Long 117 degrees 10'10.5" W; east along the shoreline to Lat 32 degrees 40'43.5" N, Long 117 degrees 10'00" W; east to Lat 32 degrees 40'46" N, Long 117 degrees 09'58" W; south to Lat 32 degrees 40'41" N, Long 117 degrees 09'56.5" W; east to Lat 32 degrees 40'41" N, Long 117 degrees 09'49" W; northeast to Lat 32 degrees 40'54" N, Long 117 degrees 09'30" W (Navy Restricted Area); thence southwest along shoreline to the initial point. (2) Fireworks Display Area—from Lat 32 degrees 40'41" N, Long 117 degrees 09'56.5" W; south to Lat 32 degrees 40'33" N, Long 117 degrees 09'56.5" W; northeast to Lat 32 degrees 40'41" N, Long 117 degrees 09'49" W; thence west to the initial point.

Los Angeles to Honolulu Yacht Race (Transpac)

Sponsor: Transpacific Yacht Club

Date: 4 July (biennially)

Location: San Pedro Channel, that portion between Point Fermin and Portu-

gese Bend bounded between the following coordinates: Lat 33 degrees, 42.8' N; Long 118 degrees, 19.5' W; Lat 33 degrees, 41.7' N; Long 118 degrees, 19.5' W; Lat 33 degrees, 41.7' N; Long 118 degrees, 21.2' W; Lat 33 degrees, 43.3' N; Long 118 degrees, 21.2' W. This area is for the start of the race only.

Thunderboat Regatta

Sponsor: Thunderboats Unlimited of San Diego

Date: Late September (4 day event)

Location: Fiesta Bay, Mission Bay, that portion bounded by the following coordinates: starting at Lat 32 degrees 47'32" N, Long 117 degrees 13'00" W; thence due west to Long 117 degrees 13.25' W, thence along the eastern shoreline of Crown Point to the Vacation Isle Bridge, thence south along the bridge to Vacation Isle, thence along the eastern shoreline of Vacation Isle to Lat 32 degrees 46'18" N, Long 117 degrees 14'01" W, thence southeasterly to Lat 32 degrees 46'14" N, Long 117 degrees 13'43" W, thence along the western shoreline of Fiesta Island to Lat 32 degrees 47'20" N, Long 117 degrees 13'00" W, thence due north to the starting point.

Head of Harbor Regatta

Sponsor: University of Southern California, Department of Intercollegiate Athletics

Date: November

Location: Los Angeles Harbor, that portion between Berth 191 and the Ford/Helm Bridges.

Symphony of Lights Boat Parade

Sponsor: Huntington Harbor Philharmonic Society

Date: Early weekend in December

Location: Entire Huntington Harbor Area Long Beach Festival of 1000 Lights

Sponsor: Shoreline Village Administration

Date: Early December

Location: Long Beach Harbor, that portion bounded by Shoreline Downtown Marina, the Queens Way Bridge and the Queen Mary.

Marina Del Rey Christmas Boat Parade

Sponsor: Pioneer Skippers Boat Owners Association

Date: Early December

Location: Marina del Rey Harbor, Main and entrance channels

Los Angeles Christmas Afloat Parade

Sponsor: Los Angeles Harbor Department

Date: Early December

Location: Los Angeles Harbor, that portion between the Vincent Thomas Bridge and Reservation Point.

Newport Harbor Christmas Boat Parade of Lights

Sponsor: Newport Harbor Area Chamber of Commerce

Coast Guard, DOT

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Date: Week prior to Christmas (7 day event)
Location: Entire Newport Harbor Area
Mission Bay Parade of Lights
Sponsor: Mission Bay Yacht Club
Date: Late December
Location: Mission Bay, the Main Entrance Channel, Sail Bay and Fiesta Bay.
San Diego Christmas Boat Parade of Lights
Sponsor: Greater Shelter Island Association
Date: Late December
Location: San Diego Harbor, the northern portion of the main channel from Seaport Village to the Shelter Island Yacht Basin.
Long Beach 4th Of July Fireworks
Sponsor: City of Long Beach
Date: 4 July
Location: A 500 foot radius around a barge located between Belmont Pier and Oil Island White, Long Beach Harbor, CA.
International Catalina Ski Race
Sponsor: Long Beach Boat & Ski Club
Date: Second Sunday in August
Location: From the Queen Mary at Long Beach, CA to Avalon Harbor, Catalina Island and return. Regulated Area: A 1,000 yard corridor from Queens Gate (Long Beach Harbor entrance), directly north to the Long Beach Downtown Marina breakwall.

(CGD11 86-01, 51 FR 17184, May 9, 1986, as amended by CGD11 86-01, 51 FR 22806, June 23, 1986)

§ 100.1102 Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona).

(a) General. Sponsors are informed that ample lead time is required to inform all Federal, state, local agencies and/or other interested parties and to provide the sponsor the best support to ensure the safety of life and property. A Coast Guard-National Park Service agreement exists for both the Glen Canyon and Lake Mead National Recreational Areas; applicants shall contact the cognizant authority for approval of events in these areas.

(b) The following Special Local Regulations will be issued for the events listed in Table 1. Further information on exact dates, times, and details concerning number and type of participants and an exact geographical description of the areas will be published by the Eleventh Coast Guard District in the Local Notice to Mariners at least 20 days prior to each event. To

be placed on the mailing list, contact: Commander (oan), Eleventh Coast Guard District, 400 Oceangate Blvd., Long Beach, CA 90822-5399.

(c) *Special local regulations.* All persons and/or vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state, local law enforcement, and/or sponsor provided vessels assigned and/or approved by Commander, Eleventh Coast Guard District, to patrol each event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given. Failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander shall be designated by the Commander, Eleventh Coast Guard District. As the Commander's representative, the Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and property. The Patrol Commander may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

TABLE 1

National Jet Boat Association Regatta

Sponsor: National Jet Boat Association
Date: 3 weekend events between February and June; 3 weekend events between September and December
Where: that portion of Lake Moovalya, Parker, Arizona between Headgate Dam and 1.5 miles north.

Parker Enduro

Sponsor: Parker Area Chamber of Commerce
Date: Early weekend in March

Where: that portion of Lake Moovalya, Parker, Arizona between river miles 179 and 185 (between the Roadrunner Resort and Headgate Dam).

Bullhead City Boat Drags

Sponsor: Sunshine Promotions
Date: 2 to 4 weekend events between March and October

Where: that portion of the Colorado River starting from the entrance of Riviera Marina, Riviera, Arizona to 2200 feet north.

Laughlin Classic

Sponsor: Laughlin Chamber of Commerce
Date: Weekend in May or June
Where: that portion of the Colorado River at Laughlin, Nevada, from the Pioneer Hotel to the Edgewater Hotel.

Parker Thanksgiving Regatta

Sponsor: Southern California Speedboat Club
Date: Four-day event during Thanksgiving
Where: that portion of Lake Moovalya, Parker, Arizona between the northern and southern boundaries of La Paz County Park.

Lake Havasu Waterski Shows

Sponsor: Lake Havasu Waterski Club
Date: Various 2 hour weekend shows throughout the year
Where: that portion of the Bridgewater Channel, Lake Havasu, Arizona, 200 yards north and south of the London Bridge.

Lake Havasu Classic

Sponsor: Havasu Sports Federation
Date: 5 day event during Thanksgiving weekend
Where: that portion of Thompson Bay, Lake Havasu, Arizona starting approximately 100 yards on bearing of 130° T off Spectator Point, thence due north approximately 2200 yards, thence due west approximately 2400 yards, thence back to the starting point.

Campbell Boat Owners Association Regatta

Sponsor: Campbell Boat Owners Association
Date: Weekend in September
Where: that portion of Thompson Bay, Lake Havasu, Arizona starting approximately 100 yards on bearing of 130° T off Spectator Point, thence due north approximately 2200 yards, thence due west approximately 2400 yards, thence back to the starting point.

[CGD11 86-1102, 51 FR 28706, Aug. 11, 1986]

§ 100.1103 Opening Day Marine Parade, San Francisco Bay.

(a) This section is effective from 0900 to 1400 PST, 24 April 1983 and thereafter annually on the last Sunday in April as published in the Local Notices to Mariners.

(b) The following areas are designated "regulated areas" during the marine parade.

(1) Northern Area in Raccoon Strait. The area between a line drawn from Bluff Point on the southeastern side of Tiburon Peninsula to Point Campbell on the northern edge of Angel Island, and a line drawn from Peninsula Point on the southern edge of Tiburon Peninsula to Point Stuart on the western edge of Angel Island.

(2) Southern Area. The area defined by a line drawn from Fort Point (37°48'40"N, 122°28'34"W) 079°T approximately 5,000 yards to a point located at 37°49'09"N, 122°25'28"W thence 173°T to the tip of Aquatic Park Peninsula (37°48'39"N, 122°25'24"W).

(c) Regulations. (1) All vessels entering the regulated area shall follow the parade route and maintain an approximate speed of six knots.

(2) All vessels in the Raccoon Strait area shall proceed in a generally southwesterly direction except in that area immediately adjacent to the shore of Angel Island where vessels may transit in a northeasterly direction.

(3) Vessels departing the San Francisco Yacht Harbor in the southern area may exit through the area subject to direction of Coast Guard patrol boats.

(4) The parade will be interrupted, as necessary, to permit the passage of commercial vessel traffic.

(5) All vessels in the vicinity of the parade shall comply with the instructions of the U.S. Coast Guard patrol personnel.

[CGD 12-83-01, 48 FR 12351, Mar. 24, 1983. Correctly designated by CGD 12-84-01, 49 FR 5922, Feb. 19, 1984. Redesignated by CGD 87-008b, 52 FR 25219, July 6, 1987]

§ 100.1104 Sacramento River—Sacramento Water Festival.

The Sacramento Water Festival Association, Sacramento, California sponsors the Sacramento Water Festival annually on the first Saturday and the following Sunday of July. This event will consist of high speed powerboat races over a closed course with 18 foot Formula I powerboats competing, plus raft races, kayak races, jet ski races, water ski exhibitions, fire works display and other activities.

(a) *Effective dates.* This section is effective from 0945 to 1800 PDT 3, 4, and 5 July 1987 and thereafter annually on the first Friday and the following Saturday and Sunday in July as published in the Local Notice to Mariners.

(b) *Applicable areas.* The following areas are designated "Regulated Areas" during the Sacramento Water Festival:

(1) *Special events area.* That portion of the Sacramento River east of the Sacramento County/Yolo County line from a line between the bow of the permanently moored Delta King on the east side of the river to the dolphin at the north end of the pier known as Raley's on the west side of the river, south to 200 yards south of the Pioneer Memorial Bridge, a distance of approximately 1.05 statute miles, will be closed to all navigation from 0900 to 1800 daily.

(2) *Regatta area.* That portion of the Sacramento River from a line between the bow of the permanently moored Delta King on the east side of the river to the dolphin at the north end of the pier known as Raley's on the west side of the river, south to 200 yards south of the Pioneer Memorial Bridge, a distance of approximately 1.05 statute miles, will be closed to all navigation as follows: on Friday from 0945 to 1145, 1215 to 1515, and 1545 to 1645; on Saturday from 0900 to 1145, 1215 to 1515, and 1545 to 1800; on Sunday from 1000 to 1145, 1215 to 1515, and 1545 to 1800.

(c) *Regulations.* (1) All vessels not officially involved with the Sacramento Water Festival will remain outside of the regulated areas during periods of closure.

(2) No vessel shall anchor or drift in the area restricted to navigation.

(3) All vessels not officially involved with the Sacramento Water Festival shall proceed directly through the Formula I Power Boat Race Course Area when it is open to navigation in a safe, and prudent manner, staying to the West of the line of buoys marking the Special Events Area.

(4) All vessels in the vicinity of the regulated areas shall comply with the instructions of the U.S. Coast Guard or local enforcement patrol personnel.

(33 U.S.C. 1233; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

(CCGD12 84-03, 49 FR 27745, July 6, 1984, as amended by CGD12 86-15, 52 FR 22440, June 12, 1987. Redesignated by CGD 87-008b, 52 FR 25219, July 6, 1987)

§ 100.1105 San Francisco Bay Navy Fleetweek Parade of Ships and Blue Angels Demonstration.

(a) *Effective Periods.* This section is effective during the U.S. Navy/City of San Francisco Fleetweek Parade of Navy Ships and Navy Blue Angels and other airshow activities held annually in early October, from Thursday through Saturday (with a possible Sunday Blue Angels Flight Demonstration if weather prevents a Saturday performance). Annual notice of the specific effective dates and times of these regulations will be published by the Coast Guard in the Local Notice to Mariners and in the FEDERAL REGISTER. To be placed on the Local Notice to Mariners mailing list contact: Commander (oan), Eleventh Coast Guard District, 400 Ocean Gate Boulevard, Long Beach, CA 90822-5399.

(b) *Regulated Areas:* The following areas are designated "regulated areas" during the Navy Parade of Ships and Blue Angels' Flight activities.

(1) *Regulated Area "Alpha" for Navy Parade of Ships.* The waters of San Francisco Bay bounded by a line connecting the following points:

Latitude	Longitude
37°48'40" N	122°28'38" W
37°49'10" N	122°28'41" W
37°49'31" N	122°25'18" W
37°49'06" N	122°24'08" W

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Latitude	Longitude
37°47'53" N	122°22'42" W
37°46'00" N	122°22'00" W
37°46'00" N	122°23'07" W

and thence along the shore to the point of beginning.

(2) *Regulated Area "Bravo" for U.S. Navy Blue Angels Activities.* The waters of San Francisco Bay bounded by a line connecting the following points:

Latitude	Longitude
37°48'53" N	122°24'08" W
37°49'32" N	122°24'16" W
37°49'01" N	122°27'53" W
37°48'21" N	122°27'44" W

and thence to the point of beginning.
Datum: NAD 83

(c) *Regulations:* All persons and/or vessels not authorized as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state or local law enforcement vessels assigned and/or approved by Commander, Coast Guard Group San Francisco to patrol the Fleetweek event.

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, in regulated area "Alpha" no person or vessel may enter or remain within 500 yards ahead of the lead Navy parade vessel, within 200 yards astern of the last parade vessel, and within 200 yards on either side of all parade vessels. No person or vessel shall anchor, block, loiter in, or impede the through transit of ship parade participants or official patrol vessels in regulated area "Alpha."

(2) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain within regulated area "Bravo."

(3) When hailed and/or signaled by an official patrol vessel, a person or vessel shall come to an immediate stop. Persons or vessels shall comply with all directions given.

(4) The Patrol Commander shall be designated by the Commander, Coast Guard Group San Francisco, Califor-

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nia. The Coast Guard Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated areas.

[CGD11-89-15, 54 FR 30998, Sept. 29, 1989]

§ 100.1203 San Joaquin River—Budweiser Western States Championships.

(a) *Effective dates.* These regulations are effective from 1000 to 1800 local time on 27 and 28 June, 1987, and thereafter annually on the final weekend of June as published in the *Local Notice to Mariners*.

(b) *Regulated area.* Budweiser Western States Championships Race Course Area: That portion of the Stockton Deep Water Channel from Stockton Channel Light 43 (Light List Number 7150) east (upstream) to Stockton Channel Light 48 (Light List Number 7165), a distance of approximately 1.25 statute miles.

(c) *Closure.* The regulated area will be closed to all vessel traffic during the Budweiser Western States Championships' trials, races, and heats from 1000 to 1800 on each day of the event. Transit through the regulated area will be permitted at approximately 1130, 1315, 1500, and 1645 local time on Saturday, and at approximately 1100, 1215, 1430, and 1545 on Sunday, for a minimum of fifteen (15) minutes each time to allow for the safe transit of non-participant vessels through the area. The regulated area may be opened during published closure times when there are no events in progress and it is deemed safe by the Patrol Commander.

(d) *Regulations.* (1) All vessels not officially involved with the Budweiser Western States Championships will remain outside of the regulated area during periods of closure unless permission to enter the area is received from a patrol vessel.

(2) No vessel shall anchor or drift in the regulated area.

(3) All vessels not officially involved with the Budweiser Western States Championships shall proceed in a safe and prudent manner directly through the regulated area when it is open to navigation.

(4) All vessels in the vicinity of the regulated area shall comply with the

instructions of the U.S. Coast Guard and local enforcement patrol personnel.

[CCGD12 87-03, 52 FR 21063, June 4, 1987]

§ 100.1301 Seattle Seafair Unlimited Hydroplane Race.

(a) This regulation will be in effect on July 31 through August 2, 1986 from 8:00 A.M. until 5:00 P.M. Pacific Daylight Time, and on August 3, 1986 from 8:00 A.M. until one hour after the conclusion of the last race. This regulation will be in effect thereafter annually during the last week of July and the first week of August, as published in the Local Notice of Mariners.

(b) The area where the Coast Guard will restrict general navigation by this regulation during the hours it is in effect is:

(1) The waters of Lake Washington bounded by Mercer Island (Lacey V. Murrow) Bridge, the western shore of Lake Washington, and the east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

(c) The area described in paragraph (b) has been divided into two zones. The zones are separated by a log boom and a line from the southeast corner of the boom to the northeast tip of Bailey Peninsula. The western zone is designated Zone I, the eastern zone, Zone II. (Refer to NOAA Chart 18447).

(d) The Coast Guard will maintain a patrol consisting of active and Auxiliary Coast Guard vessels in Zone II. The Coast Guard patrol of this area is under the direction of the Coast Guard Patrol Commander (the "Patrol Commander"). The Patrol Commander is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is in effect.

(e) Only authorized vessels may be allowed to enter Zone I during the hours this regulation is in effect. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

(f) During the times in which the regulation is in effect, swimming, wading, or otherwise entering the

water in Zone I by any person is prohibited.

(g) Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake, seven (07) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(h) Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds of seven (07) miles per hour or less. The maximum speed may be reduced at the discretion of the Patrol Commander.

(i) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the Patrol Commander shall serve as signal to stop. Vessels signaled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

[CCGD13 86-03, 51 FR 22284, June 18, 1986]

§ 100.1302 Annual Clarkston, Washington, Limited Hydroplane Races.

(a) On Friday and Saturday, 5 and 6 July 1985, this regulation will be in effect from 8:00 a.m. to 6:00 p.m. On Sunday, 7 July 1985, this regulation will be in effect from 8:00 a.m. until one hour after the conclusion of the last race. This section will be effective thereafter annually on the first Friday, Saturday, and Sunday in July as published in the Local Notices to Mariners.

(b) The Coast Guard will restrict general navigation and anchorage by this regulation during the hours it is in effect on the waters of the Snake River at Clarkston, Washington from the area west of the confluence of the Snake and Clearwater Rivers, to the area east of the Red Wolf Crossing Bridge.

(c) When deemed appropriate, the Coast Guard may establish a patrol consisting of active and auxiliary Coast Guard personnel and vessels in the area described in paragraph (b) of this section. The patrol shall be under

the direction of a Coast Guard officer or petty officer designated as Coast Guard Patrol Commander. The Patrol Commander is empowered to forbid and control the movement of vessels and persons in the area described in paragraph (b) of this section.

(d) The Patrol Commander may authorize vessels to be underway in the area described in paragraph (b) of this section during the hours this regulation is in effect. All vessels permitted to be underway in the controlled area (other than racing or official vessels) shall do so only at speeds which will create minimum wake consistent with maintaining steerageway, and not to exceed seven (7) miles per hour. This speed limit may be adjusted at the discretion of the Patrol Commander to enhance the level of safety.

(e) A succession of sharp, short signals by whistle, siren, or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel personnel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

[CGD13 85-05, 50 FR 24191, June 10, 1985; 50 FR 26359, June 26, 1985]

§ 100.1303 Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races.

(a) From Tuesday through Saturday, July 23 to 27, 1985, this regulation will be in effect from 8:30 a.m. until 7:30 p.m. On Sunday, July 28, 1985, this regulation will be in effect from 8:30 a.m. until one hour after the conclusion of the last race. This section will be effective thereafter annually during the last week of July as published in the Local Notices to Mariners.

(b) The Coast Guard will restrict general navigation and anchorage by this regulation during the hours it is in effect on the waters of the Columbia River from the western end of Hydro Island to the western end of Clover Island at Kennewick, Washington.

(c) When deemed appropriate, the Coast Guard may establish a patrol

consisting of active and auxiliary Coast Guard personnel and vessels in the area described in paragraph (b) of this section. The patrol shall be under the direction of a Coast Guard officer or petty officer designated as Coast Guard Patrol Commander. The Patrol Commander is empowered to forbid and control the movement of vessels in the area described in paragraph (b) of this section.

(d) The Patrol Commander may authorize vessels to be underway in the area described in paragraph (b) of this section during the hours this regulation is in effect. All vessels permitted to be underway in the controlled area (other than racing or official vessels) shall do so only at speeds which will create minimum wake consistent with maintaining steerageway, and not to exceed seven (7) miles per hour. This speed limit may be adjusted at the discretion of the Patrol Commander to enhance the level of safety.

(e) A succession of sharp, short signals by whistle, siren, or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel personnel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

[CGD13 85-06, 50 FR 25071, June 17, 1985]

§ 100.1304 Annual Seattle Yacht Club's "Opening Day" Marine Parade.

(a) *Regulated area.* All of Portage Bay, with the northwestern limit being the University Bridge, through the Portage Cut (Montlake Cut) into and including Union Bay, with the southeastern limit being an imaginary line from Webster Point to the eastern corner of Foster Island.

(b) *Effective period.* This regulation will be in effect from 8:00 a.m. to 3:00 p.m. on the first Saturday of May each year unless otherwise specified in the Thirteenth District Local Notice to Mariners.

(c) *Special Local regulations.* (1) The regulated area shall be closed for the duration of the event to all vessel traffic not participating in the event.

and authorized by the event sponsor or Coast Guard Patrol Commander.

(2) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are considered spectators. Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility in a way that will not interfere with the progress of the event. The following are established as spectator areas:

(i) Northwest of the University Bridge.

(ii) North of the log boom which will be placed in Union Bay.

(iii) East of Webster Point so as not to interfere with the participating vessels departing Union Bay.

(3) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol

vessels in the regulated area during the effective dates and times unless cleared for such entry by the Patrol Commander.

(4) Due to the large number of craft confined within this small body of water, all vessels, both spectator and participants, will maintain a "NO WAKE" speed. This requirement will be strictly enforced to preserve the safety of both life and property.

(5) A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the patrol vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

[CGD13-89-02, 54 FR 19167, May 4, 1989]

SUBCHAPTER H—ROUTES FOR PASSENGER VESSELS

PART 105—NORTH ATLANTIC PASSENGER ROUTES

Sec.

- 105.01 Passenger vessel defined.
- 105.05 Filing notice of ship routes.
- 105.10 Designation of ship route.
- 105.15 Notices deemed public documents; posting of notice in customhouse.
- 105.20 Posting copy of notice on vessel.
- 105.25 Report of deviation from ship route.
- 105.30 Penalty for violation of regulation.
- 105.35 Communication of violation to Coast Guard District Commander.
- 105.40 Procedure on violation.

AUTHORITY: Sec. 92, 63 Stat. 503; sec. 3, 49 Stat. 1923 (14 U.S.C. 92, 46 U.S.C. 738b).

SOURCE: CGFR 48-56, 13 FR 8640, Dec. 29, 1948, unless otherwise noted.

§ 105.01 Passenger vessel defined.

For the purpose of this part, a vessel shall be deemed to be a passenger vessel if it carries more than twelve passengers.

§ 105.05 Filing notice of ship routes.

The owner or operating agent of any passenger vessel of the United States crossing the North Atlantic Ocean shall file with the collector of customs of the home port of such vessel, and, if the United States port from which such vessel sails is different from the home port, with the collector of customs at that port, notice of the ship routes which he proposes such vessel will follow on its east-bound and west-bound crossings. Such notice or notices shall be filed prior to the first sailing of the vessel from a port of the United States. Upon any subsequent North Atlantic voyage of such vessel beginning at the same port in the United States, no further notice shall be required if it is proposed that the vessel will follow the same routes, but whenever it is proposed that such vessel, when crossing the North Atlantic Ocean, will sail from a port in the United States other than that specified in the last previous notice, or will follow a route or routes different from the route or routes specified in such last notice, notice of the proposed

route or routes shall be filed, as aforesaid, before the vessel sails.

§ 105.10 Designation of ship route.

The proposed route of any passenger vessel of the United States crossing the North Atlantic Ocean shall, whenever practicable, be designated in any notice required by this part in the terms used to designate the North Atlantic Lane Routes, as established by the proper authorities. Such route shall avoid, as far as practicable, the fishing banks of Newfoundland, north of latitude forty-three degrees north during the fishing season; and shall, as far as circumstances will permit, pass outside of regions reported or known to be endangered by ice.

§ 105.15 Notices deemed public documents; posting of notice in customhouse.

All notices of proposed ship routes filed with collectors of customs shall be considered public documents and copies thereof shall, while effective, be continuously posted by the respective collectors of customs in a place in the customhouse to which the public has free access.

§ 105.20 Posting copy of notice on vessel.

The owner or operating agent of any passenger vessel of the United States crossing the North Atlantic Ocean shall cause a copy of the proposed ship routes of the vessel to be continuously posted, while effective, in a public place in the passenger space of the vessel.

§ 105.25 Report of deviation from ship route.

If the master of any passenger vessel of the United States crossing the North Atlantic Ocean finds it necessary for any reason during the course of a voyage to deviate more than 20 nautical miles from the proposed ship route of such vessel, he shall be required by the owner or operating agent of such vessel, as soon as he arrives in the United States, to report such deviation to the collector of customs of the home port of such vessel.

and, if the United States port from which such vessel sailed is different from the home port, to the collector of customs at that port, together with a written statement explaining the necessity for such deviation.

§ 105.30 Penalty for violation of regulation.

For each violation of section 3(a) of the act of June 25, 1936, or of any provision of §§ 105.05, 105.10, or 105.20, the owner, or operating agent, of the passenger vessel involved in such violation shall be liable to a fine of not exceeding \$100.

§ 105.35 Communication of violation to Coast Guard District Commander.

Information with respect to a violation or possible violation of section 3(a) of the act of June 25, 1936, or of this part coming into the possession of any officer or employee of the Treasury Department shall be communicat-

ed promptly to the commander of the Coast Guard district within which the home port of the vessel is located or if the United States port from which the vessel sailed is different from the home port, to the commander of the Coast Guard district within which that port is located.

§ 105.40 Procedure on violation.

The district commander receiving information with respect to a violation of section 3(a) of the act of June 25, 1936, or of this part shall make an investigation to determine the actual facts involved. If after such investigation the district commander determines a prima facie violation of section 3(a) of the act of June 25, 1936, or of any provision of §§ 105.05, 105.10 or 105.20 has occurred, he shall follow the procedure in 33 CFR Subpart 1.07.

[CGFR 48-56, 13 FR 8640, Dec. 29, 1948, as amended by CGD 74-46, 39 FR 19473, June 3, 1974]

SUBCHAPTER I—ANCHORAGES

PART 109—GENERAL

Sec.

- 109.01 Purpose.
- 109.05 Anchorage grounds.
- 109.07 Anchorages under Ports and Waterways Safety Act.
- 109.10 Special anchorage areas.
- 109.15 Enforcement proceedings.
- 109.20 Publication; notice of proposed rule making.

AUTHORITY: R.S. 4233, as amended, 28 Stat. 647 as amended, 30 Stat. 98, as amended, sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322, 471, 49 U.S.C. 1655(g)(1); Department of Transportation Order 1100.1, March 31, 1967, 49 CFR 1.4(a)(3).

§ 109.01 Purpose.

(a) The purpose of the rules and regulations in this subchapter is to implement certain laws and set forth the requirements for anchorage areas.

(b) There were transferred to and vested in the Secretary of Transportation by subsection 6(g) of the Department of Transportation Act (sec. 6(g), 80 Stat. 941, 49 U.S.C. 1655) all functions, powers, and duties of the Secretary of the Army under specified laws. The Secretary of Transportation by Department of Transportation Order 1100.1 (49 CFR 1.4(a)(3)), with specified limitations, delegated to the Commandant, U.S. Coast Guard, authority to exercise the functions, powers, and duties of the Secretary with respect to anchorages, as further described in § 110.1 of this subchapter. The Commandant redelegated this authority to each Coast Guard District Commander with specified limitations, as set forth in § 1.05-1(g) of this title.

(33 U.S.C. 471, 180, 258, 322, and 499; 49 CFR 1.46(c) and 1.45(b))

[CGFR 67-46, 32 FR 17727, Dec. 12, 1967, as amended by CGD 79-096, 44 FR 51585, Sept. 4, 1979]

§ 109.05 Anchorage grounds.

(a) Section 7 of the River and Harbor Act of March 4, 1915 (33 U.S.C. 471), authorizes the establishment of anchorage grounds for vessels in navigable waters of the United States

whenever it is apparent that these are required by the maritime or commercial interests of the United States for safe navigation. The statute also authorizes the adoption of suitable rules and regulations regarding the establishment of anchorage grounds, which are enforced by the Coast Guard. The authority conferred by this statute was transferred to and vested in the Secretary of Transportation by section 6(g)(1)(A) of the Department of Transportation Act (80 Stat. 931) and delegated to the Commandant of the U.S. Coast Guard in § 1.46 of Title 49 CFR, and redelegated, with specified limitations, by the Commandant to each Coast Guard District Commander in § 1.05-1(g) of this title.

(b) District Commanders will, whenever matters relating to the anchorage of vessels are under consideration, ascertain the view of the District and Division Engineer, Corps of Engineers, U.S. Army, and the proper representatives of other departments likely to be interested, including the Commandant of the Naval District concerned and the medical officer in charge of the quarantine station at localities where quarantine anchorages are involved, in order that they may arrange for suitable representation at such hearings. The views of the medical officer in charge of the quarantine station relating to the proposed location and boundaries of the quarantine anchorage will be accepted insofar as practicable and consistent with the establishment of other anchorage areas. (An Act of Congress approved July 1, 1944, as amended (42 U.S.C. 267), authorizes the Surgeon General, with the approval of the Secretary of Health, Education, and Welfare, to designate the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station.) A notice of public hearing concerning changes to the Anchorage Regulations will be issued by the District Commander and will be mailed to all known interested parties. After providing an opportunity for public participation, the District Com-

mander will, if circumstances so warrant, issue changes to the Anchorage Regulations, or in appropriate cases forward recommendations for such changes to the Commandant.

(c) As soon as publication has been noted in the **FEDERAL REGISTER**, the District Commander will publish changes to the Anchorage Regulations in the Local Notice to Mariners.

(33 U.S.C. 471, 180, 258, 322, and 499; 49 CFR 1.46(c) and 1.45(b))

(CGFR 67-46, 32 FR 17727, Dec. 12, 1967, as amended by CGD 79-096, 44 FR 51585, Sept. 4, 1979)

§ 109.07 Anchorages under Ports and Waterways Safety Act.

The provisions of section 4 (a) and (b) of the Ports and Waterways Safety Act as delegated to the Commandant of the U.S. Coast Guard in 49 CFR 1.46(n)(4) authorize the Commandant to specify times of movement within ports and harbors, restrict vessel operations in hazardous areas and under hazardous conditions, and direct the anchoring of vessels. The sections listed in § 110.1a of this subchapter are regulated under the Ports and Waterways Safety Act.

(33 U.S.C. 1221 et seq.; 33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(n); 49 CFR 1.46(c)(1))

(CGD 3-81-1A, 47 FR 4063, Jan. 28, 1982)

§ 109.10 Special anchorage areas.

An Act of Congress of April 22, 1940, provides for the designation of special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, will not be required to carry or exhibit anchorage lights. Such designation is to be made after investigation, by rule, regulation, or order, the procedure for which will be similar to that followed for anchorage grounds under section 7 of the River and Harbor Act of March 4, 1915, as referred to in § 109.05. The areas so designated should be well removed from the fairways and located where general navigation will not endanger or be endangered by unlighted vessels. The authority to designate special anchorage areas was transferred to and vested in the Secretary of Transportation by section 6(g)(1)(D) of the De-

partment of Transportation Act (80 Stat. 931) and delegated to the Commandant of the U.S. Coast Guard in Title 49, Code of Federal Regulations and redelegated, with specified limitations, by the Commandant to each Coast Guard District Commander in § 1.05-1(g) of this title.

(33 U.S.C. 471, 180, 258, 322, and 499; 49 CFR 1.46(c) and 1.45(b))

(CGD 79-096, 44 FR 51585, Sept. 4, 1979)

§ 109.15 Enforcement proceedings.

Proceedings against a vessel violating the Anchorage Regulations are to be brought in the name of the officer of the Coast Guard assigned for the time being as Captain of the Port. When the vessel is at a port where there is no Coast Guard officer, proceedings will be initiated in the name of the District Commander.

(CGFR 67-46, 32 FR 17727, Dec. 12, 1967)

§ 109.20 Publication; notice of proposed rule making.

(a) Section 4 of the Administrative Procedure Act (5 U.S.C. 553), requires publication of general notice of proposed rule making in the **FEDERAL REGISTER** (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law), except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Except where notice or hearing is required by statute, this requirement does not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) General notice of proposed rule making published in accordance with the above will include (1) a statement of the time, place, and nature of

public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

[CGFR 67-46, 32 FR 17727, Dec. 12, 1967]

PART 110—ANCHORAGE REGULATIONS

Sec.

110.1 General.

110.1a Anchorages under Ports and Waterways Safety Act.

Subpart A—Special Anchorage Areas

- 110.5 Casco Bay, Maine.
- 110.6 Portland Harbor, Portland, Maine (between Little Diamond Island and Great Diamond Island).
- 110.6a Fore River, Portland Harbor, Portland, Maine.
- 110.8 Lake Champlain, N.Y. and Vt.
- 110.10 Portsmouth Harbor, New Hampshire, north of Newcastle Island.
- 110.25 Beverly and Salem Harbors, Mass.
- 110.26 Marblehead Harbor, Marblehead, Mass.
- 110.30 Boston Harbor, Mass., and adjacent waters.
- 110.31 Hull Bay and Allerton Harbor at Hull, Mass.
- 110.32 Hingham Harbor, Hingham, Mass.
- 110.37 Sesuit Harbor, Dennis, Mass.
- 110.38 Edgartown Harbor, Mass.
- 110.40 Silver Beach Harbor, North Falmouth, Mass.
- 110.45 Onset Bay, Mass.
- 110.45a Mattapoisett Harbor, Mattapoisett, Mass.
- 110.46 Newport Harbor, Newport, R.I.
- 110.47 Little Narragansett Bay, Watch Hill, R.I.
- 110.48 Thompson Cove on east side of Pawcatuck River below Westerly, R.I.
- 110.50 Stonington Harbor, Conn.
- 110.50a Fishers Island Sound, Stonington, Conn.
- 110.50b Mystic Harbor, Groton and Stonington, Conn.
- 110.50c Mumford Cove, Groton, Conn.
- 110.50d Mystic Harbor, Noank, Conn.
- 110.51 Groton, Conn.
- 110.52 Thames River, New London, Conn.
- 110.53 Niantic, Conn.
- 110.54 Long Island Sound, on west side of entrance to Pataguanset River, Conn.
- 110.55 Connecticut River, Conn.
- 110.55a Five Mile River, Norwalk and Darien, Conn.
- 110.56 Noroton Harbor, Darien, Conn.
- Sec.
- 110.58 Cos Cob Harbor, Greenwich, Conn.
- 110.60 Port of New York and vicinity.
- 110.65 Indian River Bay, Del.
- 110.67 Delaware River, Essington, Pa.
- 110.70 Chesapeake and Delaware Canal easterly of Courthouse Point, Md.
- 110.70a Northeast River, North East, Md.
- 110.71 Jacobs Nose Cove, Elk River, Md.
- 110.71a Cabin Creek, Grasonville, Md.
- 110.71b Wye River, Wye, Md.
- 110.72 Blackhole Creek, Md.
- 110.72a Chester River, southeast of Chertown, Md.
- 110.72aa Elizabeth River Spectator Vessel Anchorage Areas, between Norfolk and Portsmouth, Virginia.
- 110.72b St. Simons Island, Ga.
- 110.72c Lake Murray, S.C.
- 110.72d Ashley River, Charleston, SC.
- 110.73 St. Johns River, Fla.
- 110.73a Indian River at Sebastian, Fla.
- 110.73b Indian River at Vero Beach, Fla.
- 110.74 Marco Island, Marco River, Fla.
- 110.74a Manatee River, Bradenton, Fla.
- 110.74b Apollo Beach, Fla.
- 110.74c Bahia de San Juan, PR.
- 110.75 Corpus Christi Bay, Tex.
- 110.77 Amistad Reservoir, Tex.
- 110.77a Duluth-Superior Harbor, Duluth, Minn.
- 110.78 Sturgeon Bay, Sturgeon Bay, Wis.
- 110.79a Neenah Harbor, Neenah, Wis.
- 110.79b Millers Bay, Lake Winnebago, Oshkosh, WI.
- 110.79c Fish Creek Harbor, Fish Creek, Wisconsin.
- 110.80 Milwaukee Harbor, Milwaukee, Wis.
- 110.80a Lake Macatawa, Mich.
- 110.80b Marquette Harbor, Marquette, Mich.
- 110.81 Muskegon Lake, Mich.
- 110.81a Lake Betsie, Frankfort, MI.
- 110.82 Charlevoix Harbor, Mich.
- 110.82a Little Traverse Bay, Lake Michigan, Harbor Springs, Mich.
- 110.83 Chicago Harbor, Ill.
- 110.83a Cedar Point, Sandusky, Ohio.
- 110.84 Black Rock Channel opposite foot of Porter Avenue, Buffalo, N.Y.
- 110.84a Put-In-Bay, Ohio.
- 110.84b Buffalo, N.Y.
- 110.85 Niagara River, Youngstown, N.Y.
- 110.86 Sodus Bay, N.Y.
- 110.87 Henderson Harbor, N.Y.
- 110.90 San Diego Harbor, Calif.
- 110.91 Mission Bay, Calif.
- 110.93 Dana Point Harbor, Calif.
- 110.95 Newport Bay Harbor, Calif.
- 110.100 Los Angeles and Long Beach Harbors, Calif.
- 110.111 Marina del Rey Harbor, Calif.
- 110.115 Santa Barbara Harbor, Calif.
- 110.120 San Luis Obispo Bay, Calif.
- 110.125 Morro Bay Harbor, Calif.
- 110.126 Monterey Harbor, Calif.

Sec.
 110.126a San Francisco Bay, Calif.
 110.127 Lake Mohave and Lake Mead,
 Nevada and Arizona.
 110.127a Lake Powell, Utah-Arizona.
 110.127b Flaming Gorge Lake, Wyoming-
 Utah.
 110.127c Trinidad Bay, Calif.
 110.128 Columbia River at Portland, Oreg.
 110.128b Island of Hawaii, Hawaii.
 110.128c Island of Kauai, Hawaii.
 110.128d Island of Oahu, Hawaii.
 110.129a Apra Harbor, Guam.

Subpart B—Anchorage Grounds

110.130 Rockland Harbor, Maine.
 110.131 Kennebec River in vicinity of
 Bath, Maine.
 110.132 Portland Harbor, Maine.
 110.134 Boston Harbor, Mass.
 110.140 Buzzards Bay, Nantucket Sound,
 and adjacent waters, Mass.
 110.142 Nantucket Harbor, Mass.
 110.145 Narragansett Bay, R.I.
 110.147 New London Harbor, Conn.
 110.148 Johnsons River at Bridgeport,
 Conn.
 110.150 Block Island Sound, N.Y.
 110.155 Port of New York.
 110.156 Randell Bay, Freeport, Long
 Island, N.Y.
 110.157 Delaware Bay and River.
 110.158 Baltimore Harbor, Md.
 110.159 Annapolis Harbor, Md.
 110.166 York River, Va., naval anchorage.
 110.168 Hampton Roads, Va., and adjacent
 waters.
 110.170 Lockwoods Folly Inlet, N.C.
 110.173 Port of Charleston, S.C.
 110.179 Skidaway River, Isle of Hope, Ga.
 110.182 Atlantic Ocean off Port George
 Inlet, near Mayport, Fla.
 110.183 St. Johns River, Fla.
 110.185 Atlantic Ocean, off the Port of
 Palm Beach, Fla.
 110.188 Atlantic Ocean off Miami and
 Miami Beach, Fla.
 110.189a Key West Harbor, Key West, Fla.,
 naval explosives anchorage area.
 110.190 Tortugas Harbor, in vicinity of
 Garden Key, Dry Tortugas, Fla.
 110.193 Tampa Bay, Fla.
 110.193a St. Joseph Bay, Fla.
 110.194 Mobile Bay, Ala., at entrance.
 110.194a Mobile Bay, Ala., and Mississippi
 Sound, Miss.
 110.194b Mississippi Sound and Gulf of
 Mexico, near Petit Bois Island, Miss.
 110.195 Mississippi River below Baton
 Rouge, LA, including South and South-
 west Passes.
 110.196 Sabine Pass Channel, Sabine Pass,
 Tex.
 110.197 Galveston Harbor, Bolivar Roads
 Channel, Texas

Sec.
 110.205 Chicago Harbor, Ill.
 110.206 Detroit River, Michigan.
 110.207 Cleveland Harbor, Ohio.
 110.208 Buffalo Harbor, N.Y.
 110.210 San Diego Harbor, Calif.
 110.212 Newport Bay Harbor, Calif.
 110.214 Los Angeles and Long Beach Har-
 bors, Calif.
 110.215 Anaheim Bay Harbor, Calif., U.S.
 Naval Weapons Station, Seal Beach,
 Calif.; naval explosives anchorage.
 110.216 Pacific Ocean at Santa Catalina
 Island, Calif.
 110.218 Pacific Ocean at San Clemente
 Island, Calif.; in vicinity of Wilson Cove.
 110.220 Pacific Ocean at San Nicolas
 Island, Calif.; restricted anchorage
 areas.
 110.222 Pacific Ocean at Santa Barbara
 Island, Calif.
 110.224 San Francisco Bay, San Pablo Bay,
 Carquinez Strait, Suisun Bay, Sacra-
 mento River, San Joaquin River, and
 connecting waters, Calif.
 110.228 Columbia River, Oreg. and Wash.
 110.229 Straits of Juan de Fuca, Wash.
 110.230 Puget Sound Area, Wash.
 110.232 Southeast Alaska.
 110.233 Prince William Sound, Alaska.
 110.235 Pacific Ocean (Mamala Bay), Hon-
 olulu Harbor, Hawaii; anchorage for ni-
 trate laden vessels.
 110.236 Pacific Ocean off Barbers Point,
 Island of Oahu, Hawaii; Offshore pipe-
 line terminal anchorages.
 110.237 Pacific Ocean at Waimea, Hawaii,
 Naval Anchorage.
 110.238 Apra Harbor, Guam.
 110.239 Island of Tinian, CNMI.
 110.240 San Juan Harbor, P.R.
 110.245 Vieques Passage and Vieques
 Sound, near Vieques Island, P.R.
 110.250 St. Thomas Harbor, Charlotte
 Amalie, V.I.
 110.255 Ponce Harbor, P.R.

AUTHORITY: 33 U.S.C. 471, 2030, 2035 and
 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).
 Section 110.1a and each section listed in
 110.1a is also issued under 33 U.S.C. 1223
 and 1231.

SOURCE: CGFR 67-46, 32 FR 17728, Dec.
 12, 1967, unless otherwise noted.

§ 110.1 General.

(a) The areas described in Subpart A
 of this part are designated as special
 anchorage areas pursuant to the au-
 thority contained in an act amending
 laws for preventing collisions of ves-
 sels approved April 22, 1940 (54 Stat.
 150); Article 11 of section 1 of the act
 of June 7, 1897, as amended (30 Stat.

98; 33 U.S.C. 180), Rule 9 of section 1 of the act of February 8, 1895, as amended (28 Stat. 647; 33 U.S.C. 258), and Rule Numbered 13 of section 4233 of the Revised Statutes as amended (33 U.S.C. 322). Vessels not more than 65 feet in length, when at anchor in any special anchorage area shall not be required to carry or exhibit the white anchor lights required by the Navigation Rules.

(b) The anchorage grounds for vessels described in Subpart B of this part are established, and the rules and regulations in relation thereto adopted, pursuant to the authority contained in section 7 of the act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471).

(c) All bearings in the part are referred to true meridian.

(d) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 86-082, 52 FR 33811, Sept. 8, 1987]

§ 110.1a Anchorages under Ports and Waterways Safety Act.

(a) The anchorages listed in this section are regulated under the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.):

(1) Section 110.155 *Port of New York*.

(b) Any person who violates any regulation issued under the Ports and Waterways Safety Act:

(1) Is liable to a civil penalty, not to exceed \$25,000 for each violation;

(2) If the violation is willful, is fined not more than \$50,000 for each violation or imprisoned for not more than five years, or both.

[CGD 3-81-1A, 47 FR 4063, Jan. 28, 1982]

Subpart A—Special Anchorage Areas

§ 110.5 Casco Bay, Maine.

(a) *Beals Cove, West side of Orrs Island, Harpswell*. The entire cove as defined by the shoreline and a line across the entrance bearing 215° and tangent to the shore on the north side.

(a-1) *Merriconeag Sound, Harpswell*. The area comprises that portion of the Sound beginning at a point on the shoreline about 1,000 feet northeasterly from the southwesterly extremity of Orrs Island at latitude 43°45'00", longitude 69°59'14", thence extending 290° to a point at latitude 43°45'10", longitude 69°59'20", thence extending 20° to a point at latitude 43°45'34", longitude 69°59'05", thence extending 110° to a point on the shoreline at latitude 43°45'33", longitude 69°58'58", thence along the shoreline to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. Port and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. Fixed mooring piles or stakes are prohibited. All anchoring in the area shall be under the supervision of the local harbor master or such authority as may be designated by authorities of the Town of Harpswell, Maine.

(a-2) *Mackerel Cove, Bailey Island, Harpswell*. The water area of Mackerel Cove lying northeasterly of a line from a point on Abner Point at latitude 43°43'28" N., longitude 70°00'19" W., to a point on Bailey Island at latitude 43°43'18.2" N., longitude 70°00'12.2" W.

(b) *Harpswell Harbor, east side of Harpswell Neck, Harpswell*. The entire area lying westerly of a line bearing 0° from the eastern extremity of Stovers Point to the point of land at the northerly end of the harbor, said point of land bearing approximately 275° from the observatory on Orrs Island.

(c) *Basin Cove, west side of Harpswell Neck, Harpswell*. All of the area lying northeasterly of a line bearing 350° from the northwest corner of the entrance to the cove.

(c-1) *Basin Point, Potts Harbor, east side of Basin Point*. The water area

east of Basin Point enclosed by a line beginning at the southernmost extremity of Basin Point at latitude 43°44'17" N., longitude 70°02'36" W.; thence easterly to latitude 43°44'17" N., longitude 70°02'19" W.; thence north northeasterly to a point on the shoreline at latitude 43°44'43" N., longitude 70°02'05" W.; thence following the shoreline to the point of beginning.

(d) *Mussel Cove and adjacent waters at Falmouth Foreside, Falmouth.* All of the waters enclosed by a line beginning at the Dock House (F.S.) located at latitude 43°44'22" N., longitude 70°11'41" W.; thence 123°, 200 yards; thence 204°, 1,760 yards; thence 220°, 1,950 yards to Prince Point; thence along the shoreline to the point of beginning.

(e) *Harraseeket River.* That portion of the Harraseeket River within the mean low water lines, between Stockbridge Point and Weston Point, excluding therefrom a thoroughfare, 100 feet wide, the center line of which follows the natural channel.

NOTE: This area is reserved for yachts and other small recreational craft. Fore and aft moorings will be allowed in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel when anchored shall at any time extend into the thoroughfare. All anchoring in the area shall be under the supervision of the local harbor master or such other authority as may be designated by the authorities of the Town of Freeport, Maine.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 110.5, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 110.6 Portland Harbor, Portland, Maine
(between Little Diamond Island and Great Diamond Island).

Beginning at the southeasterly corner of the wharf, at the most southerly point of Great Diamond Island at latitude 43°40'13", longitude 70°12'00"; thence extending southwesterly to the northeasterly corner of the wharf on the easterly side of Little Diamond Island at latitude 43°40'03", longitude 70°12'15"; thence extending along the northerly side of the wharf

to its shoreward end at latitude 43°40'03", longitude 70°12'17"; thence extending along the shoreline of Little Diamond Island to latitude 43°40'11", longitude 70°12'20"; thence extending northeasterly to the shoreline of the southerly side of Great Diamond Island at latitude 43°40'21", longitude 70°12'06"; thence extending along the shoreline of Great Diamond Island to the shoreward end of a wharf at latitude 43°40'15", longitude 70°12'02"; thence extending along the southwesterly side of the wharf to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend beyond the limit of the area.

§ 110.6a Fore River, Portland Harbor, Portland, Maine.

The water area beginning at a point on the shoreline near the Coast Guard Base in Position 43-38 43°N and 070-14 49°W; thence 319 to position 43-38 55°N, 070-15 03°W; thence 50 to position 43-39 06°N; 070- 14 43°W; thence 161 to mainland; and thence southwesterly along the shore to the point of beginning.

[CGD 01-87-02, 52 FR 9829, Mar. 27, 1987]

§ 110.8 Lake Champlain, N.Y. and Vt.

(a) *Ticonderoga, N.Y.* An area shoreward of a line bearing 312° from Ticonderoga Light to the southeast corner of the New York State Boat Launching Ramp.

(b) *Essex, N.Y.* A small cove at the westerly side of Lake Champlain, shoreward of a line connecting the offshore ends of two promontories located at Essex.

(c) *Shelburne, Vt.* An area shoreward of a line bearing 142° from the eastern point of Collymer Pt. to Allen Hill.

(c-1) *Shelburne Bay.* Beginning at a point on the shoreline at latitude 44°25'53.0" N., longitude 73°14'47.3" W.; thence north to a point at latitude 44°26'04.8" N., longitude 73°14'46.8" W.;

thence northerly to a point on the shoreline at latitude 44°26'06.9" N., longitude 73°14'50.2" W.; thence along the shoreline to the point of beginning.

(c-2) *Shelburne Bay Allen Hill to La Platte River.* That portion of the waters of Shelburne Bay west of the line from a point at Allen Hill at latitude 44°24'35" N., longitude 73°14'14" W.; to a point near the mouth of the La Platte River at latitude 44°24'03" N., longitude 73°14'05" W.

NOTE: The anchoring of vessels and placement of temporary moorings in the anchorage area described in paragraph (c-2) of this section are administered by the Harbormaster appointed by the Town of Shelburne, Vermont.

(d) *Mallets Bay, VT.* The southwesterly portion of Mallets Bay, south of Coates Island and west of a line bearing 170° from the most easterly point of Coates Island to the mainland.

(e) *Mallets Bay, VT.* An area in the northwesterly portion of Mallets Bay, south of a line extending from the northeasterly end of Mallets Head to the northeasterly end of Marble Island, and west of a line extending from the northeasterly end of Marble Island to the northeasterly side of Cave Island, and southerly to the point on the lower east side of Mallets Head.

(f) *St. Albans Bay, VT.* An area in the northerly portion of St. Albans Bay westward of the State Pier at St. Albans Bay State Park, northeasterly of a line bearing 296°30' from the southwesterly corner of the State Pier, and southeasterly of a line parallel to and 500 feet west of the west side of the State Pier.

(g) *Charlotte, VT.* An area shoreward of a line bearing 080° T from 44°16' 12" N, 73°17' 18" W, on Thompson's Point to 44°16' 16" N, 73°16' 40" W., on William's Point.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 70-16A, 35 FR 8823, June 6, 1970; CGD3-80-2A, 45 FR 54755, July 18, 1980; CGD3-85-02, 51 FR 4593, Feb. 6, 1986]

§ 110.10 Portsmouth Harbor, New Hampshire, north of Newcastle Island.

From the northern most point of Goat Island to latitude 43°04'25"N,

longitude 070°43'37"W; thence 089°30' for 1025 yards; thence 120° for 288 yards, thence 213° to the shoreline of Newcastle Island, thence along the shoreline of Newcastle Island and across the breakwater to Goat Island and to the point of beginning.

[CGD 83-1R, 48 FR 56578, Dec. 22, 1983]

§ 110.25 Beverly and Salem Harbor, Mass.

(a) *Beverly Harbor, north of Salem Neck.* A line extending from the northerly end of the Salem Willow Yacht Club House 360 yards bearing 281° true to latitude 42°32'14" N., longitude 70°52'26" W.; thence north 270 yards to Monument Bar Beacon thence 540 yards bearing 080° to latitude 42°32'25" N., longitude 70°52'04" W., thence 365 yards bearing 175° to latitude 42°32'14" N., longitude 70°52'03" W.; thence 237° to the shore.

(b) *Bass River.* All of the area upstream of the highway bridge (Popes Bridge) outside of the dredged channel.

(c) *South Channel.* Bounded by a line commencing at the northern most point of Peach's Point at latitude 42°31'08.3" N, longitude 70°50'34.7" W, thence westerly to a point, at latitude 42°31'21.6" N, longitude 70°51'17.0" W off Fluen Point; thence westerly to a point at latitude 42°31'19.0" N, longitude 70°51'49.3" W off Naugus Head; thence southwesterly to a point at latitude 42°31'00.0" N, longitude 70°52'18.5" W east of Folger Point; thence to a point at latitude 42°30'38.0" N, longitude 70°52'36.5" W, thence easterly to a point on Long Point at latitude 42°30'52.3" N, longitude 70°53'06.9" W. The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels, the placing of moorings, and the maintenance of fairways will be under the jurisdiction of the local Harbor Master.

(d) *Beverly and Mackerel Cove, north side of Beverly Harbor.* The water area enclosed by a line commencing at the southernmost point of Curtis Point in Beverly; thence bear-

ing 238°, 1,400 yards to latitude 42°32'29.4" N., longitude 70°51'34" W.; thence 284°, 1,475 yards to the western shoreline of Mackerel Cove; thence north northeasterly to the point of beginning.

(e) *Collins Cove, Salem, Mass.* The water area enclosed by a line beginning at Monument Bar Beacon; thence 242°, 580 yards to latitude 42°32'14.5" N., longitude 70°52'46.3" W.; thence 284°, 220 yards to latitude 42°32'16" N., longitude 70°52'55" W.; thence 231°, 525 yards to a point on the shoreline; thence following the shoreline and the western boundary of the special anchorage area as described in 33 CFR 110.25(a) to the point of beginning.

[CGPR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 74-189, 40 FR 6339, Feb. 11, 1975; CGD 76-192, 42 FR 39386, Aug. 4, 1977; CGD 1-83-3R, 49 FR 24723, June 15, 1984]

§ 110.36 Marblehead Harbor, Marblehead, Mass.

The area comprises that portion of the harbor lying between the extreme low water line and southwestward of a line bearing 336° from Marblehead Neck Light to a point on Peach Point at latitude 42°31'03", longitude 70°50'30".

NOTE: The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors are allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so that no vessel, when anchored, shall at any time extend beyond the limits of the area. The anchoring of vessels and the placing of temporary moorings are under the jurisdiction and at the direction of the local harbormaster.

[CGPR 68-96, 33 FR 12550, Sept. 5, 1968; CGPR 68-157, 34 FR 1380, Jan. 29, 1969]

§ 110.30 Boston Harbor, Mass., and adjacent waters.

(a) *Lynn Harbor.* North of a line bearing 244° from the tower of the Metropolitan District Building, extending from the shore to a point 100 feet from the east limit of the channel; east of a line bearing 358°, extending thence to a point 100 feet east of the northeast corner of the turning basin; south of a line bearing 88°, extending thence to the shore; and south

and west of the shore line to its intersection with the south boundary.

(b) *Vicinity of Pleasant Park Yacht Club, Winthrop.* Southerly of a line bearing 276° from a point on the west side of Pleasant Street, Winthrop, 360 feet from the southwest corner of its intersection with Main Street; westerly of a line bearing 186° from a point on the south side of Main Street 140 feet from the southwest corner of its intersection with Pleasant Street; northerly of a line bearing 256° from a point on the west side of Pleasant Street 550 feet from the southwest corner of its intersection with Main Street and easterly of a line bearing 182° from a point on the south side of Main Street 640 feet from the southwest corner of its intersection with Pleasant Street.

(c) *Mystic River, east side of Chelsea Bridge North.* Northerly of the northerly fender pier of Chelsea Bridge North; easterly of Chelsea Bridge North; southerly of the shore line; and westerly of a line bearing 7° from the easterly end of the aforesaid fender pier.

(d) *Mystic River, west side of Chelsea Bridge North.* Northerly of the northerly fender pier of Chelsea Bridge North and a line extending from the westerly end of the shoreward face of the aforesaid fender pier to the southeasterly corner of the wharf projecting from the Naval Hospital grounds; easterly of the aforesaid wharf; southerly of the shore of the Naval Hospital grounds; and westerly of Chelsea Bridge North.

(e) *Vicinity of South Boston Yacht Club, South Boston.* Northerly of a line bearing 96° from the stack of the heating plant of the Boston Housing Authority in South Boston; easterly of a line bearing 5° from the west shaft of the tunnel of the Boston Main Drainage Pumping Station; southerly of the shore line; and westerly of a line bearing 158° from the northeast corner of the iron fence marking the east boundary of the South Boston Yacht Club property.

(f) *Dorchester Bay, in vicinity of Savin Hill Yacht Club.* Northerly of a line bearing 64° from the stack of the old power plant of the Boston Elevated Railway on Freeport Street in Dor-

chester; westerly of a line bearing 163° from the stack of the Boston Main Drainage Pumping Station on the Cow Pasture in Dorchester; and southerly and easterly of the shore line.

(g) *Dorchester Bay, in vicinity of Dorchester Yacht Club.* Eastward of a line bearing 21° from the stack located a short distance northwestward of the Dorchester Yacht Club; southward of a line bearing 294° from the southerly channel pier of the highway bridge; westward of the highway bridge and the shore line; and northward of the shore line.

(h) *Quincy Bay, in vicinity of Wollaston and Squantum Yacht Clubs.* Northwestward of a line bearing 36°30' from a point on the shore 2,600 feet easterly of the east side of the Wollaston Yacht Club landing; southwesterly of a line bearing 129°15' from the water tank in Squantum; and southeasterly and northeasterly of the shore line.

(i) *Quincy Bay, in vicinity of Merry-mount Yacht Club.* South of a line starting from a point bearing 246°, 3,510 yards, from the stack of the pumping station on Nut Island, and extending thence 306° to the shore; west of a line bearing 190° from the aforesaid point to the shore; and north and east of the shore line.

(j) *Weymouth Fore River, in vicinity of Quincy Yacht Club.* Southwesterly of a line bearing 119° from the outer end of the wharf at Nut Island; northwesterly of a line bearing 199°30' from Pig Rock Light to the eastern end of Raccoon Island; northerly of Raccoon Island and of a line from its western extremity bearing 245° from Beacon 2A; and easterly of the shore of Houghs Neck.

(k) *Weymouth Fore River, in vicinity of Wessagussett Yacht Club.* Southwesterly of a line bearing 117° from channel light "4"; southeasterly of a line 150 feet from and parallel to the meandering easterly limit of the dredged channel; easterly of a line bearing 188° from the eastern extremity of Rock Island Head; and northwesterly of the shore line.

(l) *Weymouth Back River, in vicinity of Eastern Neck.* The cove on the north side of the river lying northerly of a line bearing 264°30' from the

southwesterly corner of the American Agricultural Chemical Company wharf (Bradley's Wharf) to the shore of Eastern Neck, about 2,200 feet distant.

(m)(1) *Boston Inner Harbor & the waters of the western side of Boston Inner Harbor north of the entrance to the Fort Point Channel* bounded by line beginning at a point due east of the New England Aquarium, Latitude 42°21'31.62" North, Longitude 71°02'52.37" West. Thence ENE toward the Main Ship Channel to a point Latitude 42°21'32.6" North, Longitude 71°02'47.3" West. Thence SE to a point due east of Harbor Towers, Latitude 42°21'26.4" North, Longitude 71°02'40.66" West. Thence W toward the Boston Shore to a point, Latitude 42°21'26.4" North, Longitude 71°02'56.31" West. Thence NE to original point.

NOTE: Administration of Special Anchorage areas is exercised by the Harbormaster of the City of Boston pursuant to local ordinance. The City of Boston will install and maintain suitable navigational aids to mark the limits of Special Anchorage areas.

[COFR 67-46, 32 FR 17728, Dec. 12, 1967, amended by CGD1-85-2R, 51 FR 123 Apr. 10, 1986]

§ 110.31 Hull Bay and Allerton Harbor, Hull, Mass.

(a) *Area No. 1 in Allerton Harbor.* That area north of Hog Island beginning at latitude 42°18'15", longitude 70°53'46"; thence due east to latitude 42°18'15", longitude 70°53'29.5"; thence due south to latitude 42°18'07.5", longitude 70°53'29.5"; thence due west to latitude 42°18'07.5", longitude 70°53'46"; thence due north to original point of beginning.

(b) *Area No. 2 in Hull Bay.* That area south of Hog Island beginning at latitude 42°17'50.5", longitude 70°54'07"; thence due east to latitude 42°17'50.5", longitude 70°53'29.5"; thence due south to latitude 42°17'30", longitude 70°53'29.5"; thence due west to latitude 42°17'30", longitude 70°54'07"; thence due north to original point of beginning.

(c) *Area No. 3 in Hull Bay.* That area north of Bumkin Island beginning at latitude 42°17'22", longitude 70°54'07";

thence due east to latitude 42°17'22", longitude 70°53'17.5"; thence due south to latitude 42°17'01", longitude 70°53'17.5"; thence due west to latitude 42°17'01", longitude 70°54'07"; thence due north to the point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings is under the jurisdiction, and at the discretion, of the local Harbor Master, Hull, Mass. (CGFR 68-160, 34 FR 392, Jan. 10, 1969; 34 FR 939, Jan. 22, 1969)

§ 110.32 Hingham Harbor, Hingham, Mass.

(a) Area 1. Beginning at latitude 42°15'39", longitude 70°53'24"; thence to latitude 42°15'53.5", longitude 70°53'32"; thence to latitude 42°15'56", longitude 70°53'23"; thence to latitude 42°15'42", longitude 70°53'15"; thence to point of beginning.

(b) Area 2. Beginning at latitude 42°15'30", longitude 70°53'02.5"; thence to latitude 42°15'30", longitude 70°53'13.5"; thence to latitude 42°15'27.5", longitude 70°53'18"; thence to latitude 42°15'28.5", longitude 70°53'31"; thence to latitude 42°15'35", longitude 70°53'34"; thence to latitude 42°15'36", longitude 70°53'36.5"; thence to latitude 42°15'41", longitude 70°53'34.5"; thence to latitude 42°15'31", longitude 70°53'28"; thence to latitude 42°15'31.5", longitude 70°53'03"; thence to point of beginning.

(c) Area 3. Beginning at latitude 42°15'33", longitude 70°53'01.5"; thence to latitude 42°15'33.5", longitude 70°53'19"; thence to latitude 42°15'35.5", longitude 70°53'02"; thence to point of beginning.

(d) Area 4. Beginning at latitude 42°14'47", longitude 70°53'09.5"; thence to latitude 42°14'48.5", longitude 70°53'11.5"; thence to latitude 42°14'54", longitude 70°53'08"; thence to latitude 42°14'56.5", longitude 70°52'58.5"; thence to point of beginning.

(e) Area 5. Beginning at latitude 42°14'48", longitude 70°52'57"; thence to latitude 42°14'48.5", longitude 70°53'02"; thence to latitude 42°14'58", longitude 70°52'51"; thence to latitude

42°14'53.5", longitude 70°52'50"; thence to point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels and the placing of moorings will be under the jurisdiction of the local Harbor Master.

(CGFR 68-89, 33 FR 11077, Aug. 3, 1968)

§ 110.37 Sesuit Harbor, Dennis, Mass.

All the waters of Sesuit Harbor southerly of a line extending between the outer end of the jetties on each side of the entrance to the Harbor.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles of stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

§ 110.38 Edgartown Harbor, Mass.

An area in the inner harbor easterly of the project channel and south of Chappaquiddick Point bounded as follows: Beginning at latitude 41°23'19", longitude 70°30'32"; thence southeasterly along the shore to latitude 41°22'52", longitude 70°30'12"; thence 287°30' 1,600 feet; thence 327°30' 700 feet; thence 359° true, 800 feet; thence 24°15' approximately 900 feet to the point of beginning.

NOTE: The area is reserved for yachts and other small recreational craft. Fore and aft moorings and temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel when anchored shall extend into waters beyond the limits of the area. Fixed mooring piles or stakes are prohibited.

§ 110.40 Silver Beach Harbor, North Falmouth, Mass.

All the waters of the harbor northward of the inner end of the entrance channel.

§ 110.45 Onset Bay, Mass.

Northerly of a line extending from the northernmost point of Onset Island to the easternmost point of Wickets Island; easterly of a line extending from the easternmost point of

§ 110.45a

Wickets Island to the southwest extremity of Point Independence; southerly of the shore line; and westerly of the shore line and of a line bearing due north from the northernmost point of Onset Island.

§ 110.45a Mattapoisett Harbor, Mattapoisett, Mass.

(a) Area No. 1 beginning at a point on the shore at latitude 41°39'23" N., longitude 70°48'50" W.; thence 138.5° T. to latitude 41°38'45" N., longitude 70°48'02" W.; thence 031° T. to latitude 41°39'02" N., longitude 70°47'48" W.; thence along the shore to the point of beginning.

(b) Area No. 2 beginning at a point on the shore at latitude 41°39'24" N., longitude 70°49'02" W.; thence 142.5° T. to latitude 41°38'10" N., longitude 70°47'45" W.; thence 219° T. to latitude 41°37'54" N., longitude 70°48'02" W.; thence along the shore to the point of beginning.

NOTE: Administration of the Special Anchorage Area is exercised by the Harbor-master, Town of Mattapoisett pursuant to a local ordinance. The town of Mattapoisett will install and maintain suitable navigational aids to mark the perimeter of the anchorage area.

[CGD 83-2R, 49 FR 25445, June 21, 1984; 49 FR 27320, July 3, 1984]

§ 110.46 Newport Harbor, Newport, R.I.

(a) Area No. 1. The waters of Brenton Cove south of a line extending from latitude 41°28'50" N., longitude 71°18'58" W.; to latitude 41°28'45" N., longitude 71°20'08" W.; thence along the shoreline to the point of beginning.

(b) Area No. 2. The waters east of Goat Island beginning at a point bearing 090°, 245 yards from Goat Island Shoal Light; thence 007°, 505 yards; thence 054°, 90 yards; thence 086°, 330 yards; thence 122°, 90 yards; thence 179°, 290 yards; thence 228°, 380 yards; thence 270°, 250 yards to the point of beginning.

(c) Area No. 3. The waters north of Goat Island Causeway Bridge beginning at Newport Harbor Light; thence 023° to the southwest corner of Anchorage E; thence 081° following the southerly boundary of Anchorage E to the shoreline; thence south along the

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shoreline to the east foot of the Goat Island Causeway bridge; thence west following Goat Island Causeway Bridge to the shoreline of Goat Island; thence north following the east shore of Goat Island to the point of beginning.

[CGD 76-104, 44 FR 21792, Apr. 12, 1979]

§ 110.47 Little Narragansett Bay, Westerly, R.I.

All of the navigable waters of Water Hill Cove southeasterly of a line beginning at the shore end of the United States project groin on the southern shore of the cove and running 41°30' true, to the northerly shore of the cove at a point about 200 feet west of the west side of the shore end of Meadow Lane, with the exception of a 100-foot wide channel running from the westerly end of the cove in a southeasterly direction to the Water Hill Yacht Club pier, thence along in front of the piers on the easterly side of the cove northerly to the shore at the north end of the cove.

§ 110.48 Thompson Cove on east side of Pawcatuck River below Westerly, R.I.

Eastward of a line extending from the channelward end of Thompson Dock at the northern end of Thompson Cove 184' to the shore at the southern end of Thompson Cove.

§ 110.50 Stonington Harbor, Conn.

(a) Area No. 1. Beginning at the southeastern tip of Wampanoag Point; thence to the northwesterly end of Stonington Inner Breakwater; thence along the breakwater to longitude 71°54'50.5"; thence to latitude 41°20'25.3"; longitude 71°54'50.5"; thence to a point on the shoreline at latitude 41°20'32", longitude 71°54'54.8"; thence along the shoreline to the point of beginning.

(b) Area No. 2. Beginning at a point on the shoreline at latitude 41°19'55.8", longitude 71°54'28.5"; thence to latitude 41°19'55.8", longitude 71°54'37.1"; thence to latitude 41°20'01.6", longitude 71°54'38.1"; thence to a point on the shoreline at latitude 41°20'02", longitude 71°54'34.3"; thence along the shoreline to the point of beginning.

(c) *Area No. 3.* Beginning at a point on the shoreline at latitude 41°20'29.5", longitude 71°54'43"; thence to latitude 41°20'25.6", longitude 71°54'48.5"; thence to latitude 41°20'10.7", longitude 71°54'48.5"; thence to the shoreline at latitude 41°20'10.7"; thence along the shoreline to the point of beginning.

NOTE: A fixed mooring stake or pile is prohibited. The General Statutes of the State of Connecticut authorizes the Harbor Master of Stonington to station and control a vessel in the harbor.

(CGPR 68-164, 34 FR 1380, Jan. 29, 1969)

§ 110.50a Fishers Island Sound, Stonington, Conn.

An area on the east side of Mason Island bounded as follows:

Beginning at the shore line on the easterly side of Mason Island at latitude 41°20'06"; thence due east about 600 feet to latitude 41°20'06", longitude 71°57'37"; thence due south about 2,400 feet to latitude 41°19'42", longitude 71°57'37"; thence due west about 1,000 feet to the shore line on the easterly side of Mason Island at latitude 41°19'42"; thence along the shore line to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and the discretion of the local Harbor Master.

§ 110.50b Mystic Harbor, Groton and Stonington, Conn.

(a) *Area No. 1.* Beginning at Ram Point on the westerly side of Mason Island at latitude 41°19'44", longitude 71°58'42"; thence to latitude 41°19'30", longitude 71°58'43"; thence to latitude 41°19'36", longitude 71°58'58"; thence to latitude 41°19'45", longitude 71°58'56"; thence to the point of beginning.

(b) *Area No. 2.* Beginning at a point about 250 feet southerly of Area 1 and on line with the easterly limit of Area 1 at latitude 41°19'27", longitude 71°58'44"; thence to latitude 41°19'19", longitude 71°58'45"; thence to latitude 41°19'25", longitude 71°58'59"; thence to latitude 41°19'33", longitude

71°58'58"; thence to the point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

§ 110.50c Mumford Cove, Groton, Conn.

(a) *Area No. 1.* Beginning at a point on the easterly shore of Mumford Cove at latitude 41°19'36", longitude 72°01'06"; thence to latitude 41°19'30", longitude 72°01'04"; thence to the shoreline at latitude 41°19'31", longitude 72°01'00"; and thence along the shoreline to the point of beginning.

(b) *Area No. 2.* Beginning at a point on the easterly shore of Mumford Cove at latitude 41°19'15", longitude 72°00'54"; thence to latitude 41°19'14.5", longitude 72°00'59"; thence to latitude 41°19'11", longitude 72°00'58"; thence to latitude 41°19'10", longitude 72°00'54"; thence to latitude 41°19'12.5", longitude 72°00'52"; thence to latitude 41°19'14", longitude 72°00'55"; and thence to the point of beginning.

NOTE: The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion, of the local Harbor Master.

§ 110.50d Mystic Harbor, Noank, Conn.

(a) The area comprises that portion of the harbor off the easterly side of Morgan Point beginning at a point at latitude 41°19'15", longitude 71°59'13.5"; thence to latitude 41°19'15", longitude 71°59'00"; thence to latitude 41°19'02.5", longitude 71°59'00"; thence to latitude 41°19'06", longitude 71°59'13.5"; and thence to the point of beginning.

(b) The following requirements shall govern this special anchorage area:

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(1) The area will be principally for use by yachts and other recreational craft.

(2) Temporary floats or buoys for marking anchors will be allowed but fixed piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall extend beyond the limits of the area.

(3) The anchoring of vessels and the placing of temporary moorings shall be under the jurisdiction and at the discretion of the local harbor master, Noank, Conn.

[CGFR 68-3, 33 FR 4738, Mar. 20, 1968]

§ 110.51 Groton, Conn.

The waters between an unnamed cove and Pine Island.

(a) Beginning at a point on the shoreline of Avery Point at latitude 41°19'01", longitude 72°03'45"; thence to a point in the cove at latitude 41°19'02", longitude 72°03'38"; thence southerly to a point at latitude 41°18'56.6", longitude 72°03'36"; thence northeasterly to a point at latitude 41°19'03", longitude 72°03'21.4"; thence terminating at the tip of Jupiter Point at latitude 41°19'04", longitude 72°03'21.5".

(b) Beginning at a point on the shoreline of Pine Island at latitude 41°18'47", longitude 72°03'37"; thence to latitude 41°18'54.5", longitude 72°03'35.5"; thence northeasterly to a point at latitude 41°19'00.07", longitude 72°03'21"; thence terminating at a point at latitude 41°18'53.8", longitude 72°03'19".

NOTE: The areas designated by (a) and (b) of this section are principally for vessels used for recreational purposes. Vessels shall be anchored so that no part of the vessel obstructs the 75 yard wide channel. Temporary floats or buoys for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

[CGFR 69-74, 34 FR 12437, July 30, 1969]

§ 110.52 Thames River, New London, Conn.

(a) *Area No. 1.* An area in the westerly part of Greens Harbor bounded as follows: Beginning at a point on the shore 100 yards southeasterly of the southerly side of Thames Street extended; thence 84°, 420 yards; thence

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156°, 425 yards; thence 240°, 210 yards to the shore; and thence northwesterly along the shore to the point of beginning.

(b) *Area No. 2.* An area in the westerly part of Greens Harbor bounded as follows: Beginning at a point on the shore 15 yards southeasterly of the southerly side of Converse Place extended; thence 54°, 170 yards; thence 114°30', 550 yards; thence 266°30', 250 yards; thence 234°, 230 yards, to the shore; and thence northwesterly along the shore to the point of beginning.

(c) *Area No. 3.* An area on the westerly side of the Thames River in the vicinity of Jacobs Rock, the location of the U.S. Coast Guard Academy Sailing Center, bounded as follows: Beginning at the point on the shore where the north side of the Jacobs Rock causeway meets the western shoreline; thence northerly along the western shore of the Thames River a distance of 200 yards; thence 090°, 240 yards; thence 180°, 200 yards to the Jacobs Rock causeway; thence westerly along the causeway to the point of beginning.

(d) *Area No. 4.* An area in the western part of the Thames River, north of the highway bridge, bounded as follows: Beginning at a point 125 yards north of the highway bridge at latitude 41°21'56" N., longitude 72°05'37" W.; thence easterly to latitude 41°21'56" N., longitude 72°05'27" W.; thence northerly to latitude 41°22'12" N., longitude 72°05'27" W.; thence westerly to latitude 41°22'12" N., longitude 72°05'47" W.; thence southeasterly to latitude 41°22'02" N., longitude 72°05'40" W.; thence downriver along the charted foul grounds to the point of beginning.

NOTE: The area designated by paragraph (c) of this section is principally for the use of U.S. Coast Guard Academy and Academy-related boats. Temporary floats or buoys for marking anchors may be used. The anchoring of vessels and the placing of moorings will be under the jurisdiction and at the discretion of the Chief, Waterfront Branch, U.S. Coast Guard Academy, New London, Connecticut.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD3-84-37, 49 FR 38860, Sept. 20, 1984; CGD3 85-67, 51 FR 33211, Sept. 11, 1986]

§ 110.53 Niantic, Conn.

Beginning on the shoreline at latitude 41°18'25.3", longitude 72°12'16.3"; thence to latitude 41°18'23.3", longitude 72°12'11.6"; thence to latitude 41°18'50.7", longitude 72°11'51.5"; thence to the shoreline at latitude 41°18'56.5", longitude 72°12'05.6"; thence along the shoreline to the point of beginning.

NOTE: This area is for public use, principally for vessels used for a recreational purpose. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

[CGFR 69-24, 34 FR 6480, Apr. 15, 1969]

§ 110.54 Long Island Sound, on west side of entrance to Patuxet River, Conn.

An area east of Giants Neck (formerly known as Grant Neck) described as follows: Beginning at a point bearing 114°, 75 feet, from the outer end of the breakwater at the south end of Giants Neck; thence 90°, 1,050 feet; thence 22°17'30", 2,140 feet; thence 283°27'15.5", 240 feet; thence 220°36'39", 1,252.6 feet; thence 295°23'16.5", 326.5 feet; thence 269°02'42.6", 240 feet; thence 261°46'50.9", 181.9 feet; thence 226°28'07.7", 275.9 feet; thence 147°43'27.7", 449.4 feet; thence 238°01'35.8", 379.6 feet; and thence approximately 156°31'05.8", 462.11 feet, to the point of beginning.

§ 110.55 Connecticut River, Conn.

(a) *West of Calves Island at Old Saybrook.* Beginning at a point bearing 254°09'16", 153 yards, from Calves Island 20 Light; thence 157°, 1,037 yards; thence 175°, 150 yards; thence 265°, 250 yards; thence 350°, 660 yards; thence 337°, 460 yards; and thence approximately 67°, 135 yards, to the point of beginning.

(a-1) *Area No. 1, at Essex.* Beginning at a point on the shore on the west side of Haydens Point bearing approximately 211°, 270 yards, from Haydens Point Light; thence 270°, 160 yards; thence due north, 140 yards; thence 300°, 190 yards; thence 330°, 400 yards; thence 90°, 60 yards; thence 150°, 350 yards; thence 120°, about 434 yards to a point on the shore; thence

along the shore southwesterly to the point of beginning.

(b) *Area No. 2, at Essex.* Beginning at a point latitude 41°21'22", longitude 72°22'53"; thence 205°30', 375 yards; thence 194°31', 100 yards; thence 185°00', 440 yards; thence 153°30', 80 yards; thence 121°00', 220 yards; thence due north approximately 1060 yards to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

(c) *West of Brockway Island at Essex.* That portion of the waters northwest of a line ranging 238° from latitude 41°22'20.7", longitude 72°22'49.8" to the shoreline; southwest of a line connecting a point at latitude 41°22'20.7", longitude 72°22'49.8" and a point at latitude 41°22'28.2", longitude 72°22'56"; and southeast of a line ranging 238° from latitude 41°22'28.2", longitude 72°22'56" to the shoreline.

NOTE: This area is principally for vessels used for a recreational purpose. A mooring buoy is permitted. Fixed mooring piles or stakes are prohibited.

(d) *Area No. 1, at Eddy Rock Light.* Beginning at latitude 41°26'38", longitude 72°27'37"; thence extending southeasterly to latitude 41°26'12", longitude 72°27'18"; thence extending westerly to latitude 41°26'11", longitude 72°27'22"; thence extending northwesterly to latitude 41°26'23", longitude 72°27'42"; thence extending northerly to latitude 41°26'36", longitude 72°27'43"; thence extending easterly to the point of beginning.

(e) *Area No. 2, at Lord Island.* Beginning at latitude 41°26'11", longitude 72°27'16"; thence extending south southeasterly to latitude 41°26'03", longitude 72°27'02"; thence extending southeasterly to latitude 41°25'59", longitude 72°26'51"; thence extending southwesterly to latitude 41°25'58", longitude 72°26'52"; thence extending northwesterly to latitude 41°26'05", longitude 72°27'11"; thence extending north northwesterly to latitude 41°26'10", longitude 72°27'20"; thence

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extending easterly to the point of beginning.

NOTE: The areas designated by paragraphs (d) and (e) of this section are principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and placing of mooring floats or buoys will be under the jurisdiction, and at the discretion of the local Harbor Master. Area 2 will not be used during the shad fishing season.

(e-1) *Area No. 1 at Chester.* Beginning at a point about 600 feet south-easterly of the entrance of Chester Creek, at latitude 41°24'23", longitude 72°25'41"; thence due south about 1,800 feet to latitude 41°24'05", longitude 72°25'41"; thence due east about 600 feet to latitude 41°24'05", longitude 72°25'32"; thence due north about 1,800 feet to latitude 41°24'23", longitude 72°25'32"; thence due west about 600 feet to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. A mooring buoy is allowed. Fixed mooring piles or stakes are prohibited.

(e-2) *Area No. 2 at Chester.* That area south of latitude 41°24'43.9", west of longitude 72°25'35", north of latitude 41°24'33.4", and east of longitude 72°25'40.8".

NOTE: Area No. 2 may not be used during the shad fishing season, April 1 to June 15, inclusive. A mooring buoy is permitted at other times. Fixed mooring piles or stakes are prohibited.

(f) *Vicinity of Mouse Island Bar below Portland.* On the north side of the river shoreward of lines described as follows: (1) Beginning at a point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 270°, 480 yards; and thence due north, approximately 230 yards, to the shore. (2) Beginning at the said point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 70°, 400 yards; and thence 350°, approximately 250 yards, to the shore.

(g) *Area at Portland.* Beginning at a point on the shore, about 700 feet southeasterly from the easterly end of the New York, New Haven and Hartford Railroad Company bridge, at lati-

tude 41°33'55", longitude 72°38'43"; thence 250° to latitude 41°33'54", longitude 72°38'46"; thence 160° to latitude 41°33'48", longitude 72°38'43"; thence 145° to latitude 41°33'44", longitude 72°38'39"; thence 55° to a point on the shore at latitude 41°33'47", longitude 72°38'32"; thence along the shore to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limit of the area or closer than 50 feet to the Federal channel limit. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 68-137, 33 FR 18370, Dec. 10, 1968; CGFR 68-139, 33 FR 18471, Dec. 12, 1968]

§ 110.55a Five Mile River, Norwalk and Darien, Conn.

The water area of the Five Mile River beginning at a point on the southeast shore of Butler Island at latitude 41°03'27.5" N., longitude 73°26'52" W.; thence following the shoreline northerly along the westerly side of Five Mile River to the highway bridge at Route 136 (White Bridge); thence easterly along the southerly side of the highway bridge to the easterly side of Five Mile River; thence following the shoreline southerly along the easterly side of Five Mile River to a point on the southwest shore at Rowayton at latitude 41°03'30" N., longitude 73°26'47" W.; thence 242° to the point of beginning, except those areas within the designated project channel as shown by dotted lines on the Five Mile River on Chart No. 12368 (formerly C and G Chart No. 221) issued by National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

NOTE: Under an Act of the Connecticut State Legislature the harbor superintendent, appointed by the Five Mile River Commission, may control moorings and navigation including preventing vessels from anchoring in the Federal project channel.

[CGD 76-44, 41 FR 40467, Sept. 20, 1976]

§ 110.56 Noroton Harbor, Darien, Conn.

(a) Beginning at a point on the southwesterly side of Long Neck Point at latitude 41°02'10", longitude 73°28'44"; thence northwesterly to latitude 41°02'17", longitude 73°29'11"; thence in a north-northwesterly direction to the southeast side of Pratt Island at latitude 41°02'28", longitude 73°29'17"; thence following the shoreline around the easterly and northerly sides of Pratt Island, the westerly and northerly sides of Pratt Cove, and the westerly side of the Darien River to the causeway and dam at Gorham Pond on the north; thence along the downstream side of the causeway and dam to the easterly side of the Darien River, thence along the easterly shoreline to the point of beginning.

NOTE: An ordinance of the town of Darien, Conn. requires the Darien Harbor Master's approval of the location and type of any mooring placed in this special anchorage area.

[COFR 68-122, 33 FR 18238, Dec. 7, 1968]

§ 110.58 Cos Cob Harbor, Greenwich, Conn.

(a) Area A. Beginning at the mean low water line about 2,800 feet downstream from the easterly end of the New York, New Haven and Hartford Railroad Bridge at latitude 41°01'23", longitude 73°35'40"; thence extending True west to latitude 41°01'23", longitude 73°35'42"; thence extending southwesterly to a point at latitude 41°01'02", longitude 73°35'50"; thence True east to a point on the shoreline at latitude 41°01'02", longitude 73°35'48"; thence extending along the mean low water line to the point of beginning.

(b) Area B. Beginning at the mean low water line about 700 feet downstream from the westerly end of the New York, New Haven and Hartford Railroad Bridge at latitude 41°01'42", longitude 73°35'47"; thence True east to latitude 41°01'42", longitude 73°35'45"; thence southeasterly to latitude 41°01'23", longitude 73°35'44"; thence southwesterly to latitude 41°01'04", longitude 73°35'52"; thence southwesterly to latitude 41°01'02", longitude 73°35'55"; thence True west to a point on shore on the northerly

side of Goose Island at latitude 41°01'02", longitude 73°36'00"; thence True north to a point at the mean low water line at latitude 41°01'05", longitude 73°36'00"; thence along the mean low water line to the point of beginning.

NOTE: The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend into the waters beyond the limits of the areas or closer than 50 feet to the Federal channel limits.

§ 110.60 Port of New York and vicinity.

(a) *Huntington Harbor*. Beginning on the shoreline at latitude 40°54'19.5", longitude 73°26'07.9"; thence to latitude 40°54'19.5", longitude 73°26'02.4"; thence along the eastern shoreline to the Mill Dam Road Bridge; thence along the downstream side of the bridge to the westerly side of Huntington Harbor; thence along the western shoreline to the point of beginning.

(a-1) *Centerport Harbor*. Beginning at the shoreline at latitude 40°54'00", longitude 73°22'55.3"; thence to latitude 40°54'03.8", longitude 73°22'52.1"; thence along the eastern shoreline to the Mill Dam Bridge; thence along the downstream side of the bridge to the westerly side of Centerport Harbor; thence along the western shoreline to the point of beginning.

(a-2) *Northport Harbor*. Beginning on the shoreline at latitude 40°54'25", longitude 73°22'05"; thence to latitude 40°54'37.5", longitude 73°21'32.9"; thence along the eastern shoreline to latitude 40°53'33.1", longitude 72°21'28.2"; thence to latitude 40°53'25.8", longitude 73°21'37.7"; thence along the shoreline to the point of beginning.

NOTE: The areas designated by paragraphs (a), (a-1), and (a-2) of this section are principally for vessels used for a recreational purpose. A vessel shall be anchored so that no part of the vessel comes within 50 feet of the marked channel. A temporary float or buoy for marking the location of the anchor

of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

(b) *New Rochelle Harbor, west and south of Glen Island.* That portion of Long Island Sound Anchorage No. 1 (described in § 110.155) between Hog Island, Travers Island, Neptune Island and Glen Island and the mainland, to the westward of a line extending from the cupola at the southeast extremity of Glen Island to the easternmost extremity of Hog Island, and to the northeastward of a line extending from the southwest extremity of Hog Island to the southeast corner of Travers Island; excluding therefrom all waters within 25 feet of the 50-foot channel west and south of Glen Island.

(b-1) *New Rochelle, Echo Bay.* That portion of Long Island Sound Anchorage Grounds No. 1-A and No. 1-B (described in § 110.155(a)(2) and (3)) northwest of a line ranging 30°30' from the northeastern tip of Davenport Neck to the southeastern tip of Premium Point.

NOTE: An ordinance of the Town of New Rochelle N.Y., requires a permit from the New Rochelle Harbor Master or the New Rochelle Superintendent of Bureau of Marinas, Docks and Harbors before any mooring is placed in this special anchorage area.

(c) *New Rochelle Harbor, east of Glen Island.* That portion of Long Island Sound Anchorage No. 1 (as described in § 110.155(a)) between Glen Island and Goose Islands breakwater, northward of a line extending from the northwest end of Goose Islands breakwater to the cupola at the north end of the bathing beach on Glen Island.

(c-1) *City Island Harbor, east of City Island.* That portion of Long Island Sound Anchorage No. 1 (described in § 110.155) between City Island and Hart Island eastward of a line ranging 339° between the steeple on City Island and the westernmost corner of the Administration Building at Orchard Beach; southward of a line ranging 50° between the northerly abutment on the westerly end of the City Island drawbridge and tangent to Chimney Sweeps; westward of a line tangent to Chimney Sweeps and ranging 163° toward the west gable on Rat Island and westward of a line tangent

to the easterly side of High Island and ranging 152°30' from the west gable on Rat Island; and northward of a line ranging 56° between the Buryas Pier at Belden Point, City Island to Hart Island Light, except for the cable and pipe line area extending between City Island and Hart Island.

(d) *Eastchester Bay, west of City Island.* That portion of Long Island Sound Anchorage No. 1 (as described in § 110.155(a)) west of City Island and within the following limits: Northward of a line ranging 244° from the Duryea Pier at the foot of City Island Avenue to Big Tom Nun Buoy No. 2 (latitude 40°50'01", longitude 73°47'25"); then northeastward of a line ranging 33° from Big Tom Nun Buoy No. 2 through the Nun Buoy (latitude 40°50'46", longitude 73°48'01") off the southern end of Rodman Neck; southward eastward of a line ranging 208° from the east abutment of the City Island Bridge through the south tower of the Bronx-Whitestone Bridge; and southward of a line ranging 90° from the Pelham War Memorial in Pelham Bay Park and the steeple of the church at the southeast corner of Elizabeth Street and City Island Avenue.

(e) *Eastchester Bay, along west shore.* That portion of Long Island Sound Anchorage No. 1 (as described in § 110.155(a)) along the west shore of Eastchester Bay north of and including Weir Creek, shoreward of a line ranging 349° from the end of the timber pier at the foot of Pope Plaza Edgewater, and through the transmission tower at the northeast side of the draw of the New York, New Haven and Hartford Railroad Bridge over Eastchester Creek, and having as its northerly limit the line ranging 79° through the row of telephone poles along the north side of Watt Avenue.

(f) *Eastchester Bay, Locust Point Harbor.* That portion of Long Island Sound Anchorage No. 2 (as described in § 110.155(a)) included within the limits of Locust Point Harbor between Wright Island and Throgs Neck and the westward of a north and south line (longitude 73°47'58") through the southerly corner of the concrete abutment at the southerly end of the stone wall at Locust Point on Wright Island

(g) *Manhasset Bay, west area at Manorhaven.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) westward of a line (longitude 73°42'53") ranging 180° from the end of the Town of North Hempstead pier at Manorhaven; north-westward of a line ranging 233° from the intersection of the shore and the northerly line of Corchang Avenue (extended) on Tom Point toward Plum Point Shoal Buoy 3 (latitude 40°49'48.5", longitude 73°43'25"); and northeastward of a line ranging 119° from the cupola on Plum Point toward the inshore end of the northerly side of the Purdy Boat Company pier at Port Washington; excluding therefrom the seaplane restricted area described in § 207.35.

(h) *Manhasset Bay, east area at Manorhaven.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) bounded as follows: Beginning at the shoreline at 40°50'18"N, 73°42'51"W; thence 180° to 40°50'05"N, 73°42'51"W; thence 132° to 40°49'58"N, 73°42'41"W; thence 234° to 40°49'48.5"N, 73°42'58"W; thence 090° to 40°49'48.5"N, 73°42'22.5"W; thence 030° to 40°50'01.5"N, 73°42'16"W; thence due north to the point of land at Manorhaven northeasterly of Tom Point; thence southwesterly along the shore to and around Tom Point and north northwesterly along the shore to the point of beginning.

(i) *Manhasset Bay, at Port Washington.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) southward of latitude 40°49'44"; eastward of a line ranging 161° from the offshore end of the Yacht Service, Inc., pier on the Copp Estate at Manorhaven toward the flagpole on the end of the Whitney Dock at Plandome; and northward of latitude 40°49'06".

(j-1) *Manhasset Bay, at Kings Point.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155(a)(6)) bounded as follows: Beginning at a point on the shoreline at latitude 40°49'24.4", longitude 73°42'41.5"; thence to a point at latitude 40°49'32.5", longitude 73°43'30.1"; thence to a point at latitude 40°49'42.9", longitude 73°43'55.2"; thence to a point on the shoreline at

latitude 40°49'39", longitude 73°43'59"; thence along the shoreline to the point of beginning.

(j) *Manhasset Bay, at Plandome.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) southward of the line of the Whitney Dock at Plandome extended; eastward of a line ranging 186° from the Manhasset-Lakeville Water District tank at Thomaston toward the tank at Tom Point; and northward of Thompson's pier at Plandome extended.

(j-1) *Kings Point.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) beginning on the shoreline at latitude 40°49'00.3", longitude 73°45'43.5"; thence to latitude 40°49'03.9", longitude 73°45'47.1"; thence to latitude 40°49'12.9", longitude 73°45'41.2"; thence to latitude 40°49'18.7", longitude 73°45'30.3"; thence to latitude 40°49'08.2", longitude 73°45'19"; thence along the shoreline to the point of beginning.

NOTE: Temporary floats or buoys for marking anchors in place are allowed. Fixed mooring piles or stakes are prohibited. An ordinance of the village of Kings Point regulates mooring and anchoring in the area which includes this special anchorage area.

This special anchorage area is within the limits of Long Island Sound Anchorage No. 4 as described in § 110.155(a)(6).

(k) *Little Neck Bay.* That portion of Long Island Sound Anchorage No. 5 (as described in § 110.155(a)(7)), southeastward of a line ranging approximately 20°30' from the flagpole at Fort Totten, Willets Point to the outermost dolphin of the U.S. Merchant Marine Academy's pier at Kings Point, Long Island.

(l) *Flushing Bay, north area.* That portion of East River Anchorage No. 10 (described in § 110.155), in the vicinity of College Point, southeastward of a line tangent to the west side of College Point ranging from College Point Reef Light to the offshore end of the most northerly rack of the former College Point Ferry slip.

(l-1) *Flushing Bay, north central area.* That portion of East River Anchorage No. 10 (described in § 110.155) on the east side of Flushing Bay,

southward of a line projecting due west from the tank located on the north side of the foot of 15th Avenue, College Point, eastward of a line parallel to, and 50 feet east of the east channel line in Flushing Bay, and northward of a line ranging 42° from Flushing Bay Light 8 on the north end of the dike.

(l-2) *Flushing Bay, south central area.* That portion of East River Anchorage No. 10 (described in § 110.155) on the east side of Flushing Bay, southward of a line ranging 52° from a point at latitude 40°46'29", longitude 73°51'16"; eastward of a line parallel to, and 50 feet east of the east channel line in Flushing Bay, and northward of a line ranging 67° from a point at latitude 40°46'12", longitude 73°51'06" to the shore.

(m) *Flushing Bay, southeast area.* That portion of East River Anchorage No. 10 (described in § 110.155) south of a line ranging 60° from the northeasterly corner of the municipal pier at the Flushing Bay Boat Basin toward the stack (latitude 40°45'54", longitude 73°50'29") of the New York City Asphalt Plant.

(m-1) *Flushing Bay, southwest area.* That portion of East River Anchorage No. 10 (described in § 110.155) southwest of the breakwater, projecting offshore and southeast of La Guardia Airport; southerly of a line extending from the offshore end of the breakwater at latitude 40°45'53", longitude 73°51'06" to Flushing Bay Light 12 on the southerly end of the dike; westerly of a line extending from Flushing Bay Light 12 to a point at latitude 40°45'48", longitude 73°51'00"; northwesterly of a line ranging 229° from the point at latitude 40°45'48", longitude 73°51'00" to the shore.

(m-2) *Flushing Bay, west area.* That portion of East River Anchorage No. 10 (described in § 110.155) adjacent to the northeasterly side of La Guardia Airport, easterly of a line ranging 39° from the control tower at La Guardia Airport to College Point Reef Light, southward of a line extending due west from the tank on the north side of the foot of 15th Avenue, College Point, westward of a line parallel to, and 100 feet west of the west channel line in Flushing Bay and northerly of

a line extending due west from Flushing Bay Light 8 on the north end of the dike.

NOTE: The anchoring of vessels and placing of temporary moorings in anchorage areas described in paragraphs (m) and (n) of this section will be under the jurisdiction and at the discretion of the local Harbor Master appointed by the City of New York.

(n) *Bowery Bay.* All of that portion of East River Anchorage No. 10 (described in § 110.155) on the west side of Bowery Bay.

(o) *Hudson River, at Yonkers.* Northward of a line on range with the foot bridge across the New York Central Railroad Company tracks at the southerly end of Greystone Station, eastward of a line on range with the square, red brick chimney west of the New York Central Railroad Company tracks at Hastings-on-Hudson and the easterly yellow brick chimney of the Glenwood powerhouse of the Yonkers Electric Light and Power Company, and southward of a line on range with the first New York Central Railroad Company signal bridge north of the Yonkers Yacht Club.

(o-1) *Hudson River, at Glenwood, Yonkers, New York.* That portion of the waters of the easterly side of Hudson River and adjacent to the northerly limits of the City of Yonkers, New York, northward of the northerly face of an outfall sewer pipe which is 2,200 feet north of the Glenwood powerhouse; east of a line on range with the northwest corner of the powerhouse bulkhead and the westerly end of the outfall sewer pipe, and southward of a line ranging 117° true to the first New York Central Railroad Company's signal bridge north of the Yonkers Corinthian Yacht Club house.

(o-2) *Hudson River, at Nyack.* The portion of the waters north of a line ranging 270° from latitude 41°05'35.1" longitude 73°54'27", to the shoreline west of a line connecting latitude 41°05'35.1", longitude 73°54'27", and latitude 41°06'06.3", longitude 73°54'27"; and south of a line ranging 270° from latitude 41°06'06.3", longitude 73°54'27" to the shoreline.

NOTE: The area is principally for use by yachts and other recreational craft. A mooring buoy is permitted.

(p) *Hudson River, at Hastings-on-Hudson.* That portion of the waters northerly of a line extending from a point at latitude 40°59'56.0", longitude 73°53'11.3" to the shore at latitude 40°59'55.7"; easterly of lines extending from the aforementioned point at latitude 40°59'56.0", longitude 73°53'11.3" through a point at latitude 41°00'04.6", longitude 73°53'10.9" to a point at latitude 41°00'14.6", longitude 73°53'08.2"; and southerly of a line extending from the last mentioned point to the shore at latitude 41°00'14.2".

(p-1) *Hudson River, at Tarrytown, N.Y.* Beginning at a point on the shoreline at latitude 41°04'20" N. long. 73°52'04" W.; thence due west to a point at lat. 41°04'20" N. long. 73°52'12" W.; thence due south to a point at lat. 41°04'13" N., long. 73°52'12" W.; thence due east to a point on the shoreline at lat. 41°04'13" N., long. 73°52'00" W.; thence along the shoreline to the point of beginning.

(p-2) *Hudson River, at West Point.* That portion of the waters of the westerly side of the Hudson River, adjacent to the United States Military Academy, shoreward of a line connecting the extreme northwest corner of the south dock with a projection of land located approximately 1,575 feet north thereof.

(p-3) *Hudson River, at Hyde Park, N.Y.* Beginning at a point on the shoreline at latitude 41°49'06.5" N., longitude 73°56'35.3" W.; thence west to a point at latitude 41°49'06.5" N., longitude 73°56'42.5" W.; thence north-northeasterly to a point at latitude 41°49'12.5" N., longitude 73°56'40.7" W.; thence due east to a point on the shoreline at latitude 41°49'12.5" N., longitude 73°56'37.7" W.; thence along the shoreline to the point of beginning.

(q) *Newark Bay, southeast area.* That portion of the waters on the southeasterly side of Newark Bay, north of a line ranging from the offshore end of the breakwater north of the former Elco Boat Works through Newark Bay Channel Buoy 6; east of a line ranging from a point 200 yards east of the east pier of the lift span of

the Central Railroad Company of New Jersey bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of a line ranging from the southwest corner of the bulkhead at Bayonne City Park through Newark Bay Channel Buoy 11.

NOTE: This special anchorage is within the limits of General Anchorage No. 37, described in § 110.155(h)(4).

(r) *Newark Bay, southwest area.* That portion of the waters on the southwesterly side of Newark Bay, north of a line ranging from Kill Van Kull Light 16 through Kill Van Kull Light 18 and Kill Van Kull Channel Buoy 20, northeast of a line through Kill Van Kull Channel Buoy 20 perpendicular to the Singer Manufacturing Company's bulkhead, and south-east of a line 150 feet east of and parallel to the Singer Manufacturing Company's bulkhead, and south of a line 250 feet south of and parallel to the Central Railroad Company of New Jersey bridge and west of a line perpendicular to the dike at Kill Van Kull Light 16, excluding therefrom the "Pipe Line Area."

NOTE: The greater portion of this special anchorage is within the limits of General Anchorage No. 34, described in § 110.155(h)(1).

(r-1) *Great Kills Harbor.* Beginning at a point on the shoreline at latitude 40°32'05.6", longitude 74°08'24.2"; thence to latitude 40°32'06.7", longitude 74°08'27.6"; thence to latitude 40°32'19", longitude 74°08'23.1"; thence to latitude 40°32'27.8", longitude 74°08'25.9"; thence to latitude 40°32'40.2", longitude 74°08'10.5"; thence to latitude 40°32'44.2"; longitude 74°08'12.9"; thence along the northern and eastern shoreline to the point of beginning.

NOTE: The special anchorage area is principally for use by yachts and other recreational craft. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited. Vessels shall be anchored so that no part of the vessel comes within 50 feet of the marked channel. No vessel shall be anchored in such a manner as to interfere with the use of a mooring buoy authorized to be placed by

the Captain of the Port, New York. No mooring buoy shall be placed in this special anchorage area except as authorized by the Captain of the Port, New York. The Captain of the Port regulations in § 110.155(i)(7) apply.

This special anchorage area is within the limits of General Anchorage No. 28 described in § 110.155(f)(3).

(s) *Jamaica Bay*. That portion of the waters on the westerly side of Jamaica Bay, westerly of a line ranging from Island Channel Buoy 21 through Island Channel Buoy 23, northward of a line ranging from Island Channel Buoy 21 to the north abutment of the Shore Parkway Bridge across Paerdegat Basin, and southward of a line ranging 310' from Island Channel Buoy 23.

(s-1) *Jamaica Bay, south area*. That portion of Broad Channel westerly of a line bearing 190°30' from the northerly terminus of the New York City Transit Authority trestle across Broad Channel to latitude 40°35'50", longitude 73°49'06", and thence northerly of a line bearing 254° to the shore.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. The Captain of the Port of New York is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port. No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy. The Captain of the Port, New York regulations in § 110.155(i)(7) apply.

(t) *Cold Spring Harbor*. That portion of the waters of Cold Spring Harbor easterly of a line ranging from the cupola in the extreme inner harbor through Cold Spring Harbor Light; southerly of a line ranging from the southernmost point of an L-shaped pier off Wawepex Grove through the Clock Tower at Laurelton and northerly of a line ranging from the outer end of the Socony Mobil Oil Company's pier at Cold Spring Harbor through the Clock Tower at Laurelton, with the exception of an area within a 300-foot radius of the outer end of the Socony Mobil Oil Company's pier.

(u) *Oyster Bay Harbor, New York*. That portion of Oyster Bay Harbor

adjacent to the easterly side of Centre Island, westerly of a line on range with Cold Spring Harbor Light and the Stone House on the end of Plum Point, Centre Island.

(u-1) *Hempstead Harbor, New York*. That portion of the waters of Hempstead Harbor southerly of the Glen Cove Breakwater, northerly of a line ranging from "Dome" at Sea Cliff through Hempstead Harbor Buoy 1 and easterly of a line ranging from Glen Cove Breakwater Light through Hempstead Harbor Anchorage Buoy "A" and "B" and Hempstead Harbor Buoy 9, except for the entrance to Glen Cove Creek as defined by Hempstead Harbor Anchorage Buoy "A" and Glen Cove Entrance Buoy 1 on the north side of the entrance, and Hempstead Harbor Anchorage Buoy "B" the Glen Cove Entrance Buoy 1 on the south side of the entrance.

(u-2) *Harbor of Oyster Bay, Oyster Bay, New York*. The water area north of the town of Oyster Bay enclosed by a line beginning on the shoreline at latitude 40°52'35.5" N., longitude 73°32'17" W.; thence to latitude 40°52'59.5" N., longitude 73°32'18" W.; thence to latitude 40°53'00" N., longitude 73°30'53" W.; thence to latitude 40°52'39" N., longitude 73°30'54" W.; thence to the shoreline at latitude 40°52'25" N., longitude 73°31'18" W.; thence following the shoreline to the point of beginning.

(u-3) *Harbor of Oyster Bay, New York, Moses Point to Brickyard Point*. That portion of the waters of the Harbor of Oyster Bay enclosed by a line beginning at Moses Point on Centre Island at latitude 40°53'11" N., longitude 73°31'14" W.; thence to latitude 40°53'02" N., longitude 73°31'22" W.; thence to latitude 40°53'02" N., longitude 73°32'00" W.; thence to Brickyard Point on Centre Island at latitude 40°53'06" N., longitude 73°32'00" W.; thence following the shoreline to the point of beginning.

NOTE: The anchoring of vessels and placement of temporary moorings in anchorage areas described in paragraphs (u), (u-2), and (u-3) of this section will be under the jurisdiction of the local Harbormaster appointed in accordance with Article 12 of the Village Ordinance of the Village of Centre Island, New York.

(v) *Hudson River, at Coeymans, New York.* That portion of the waters of the westerly side of Hudson River, west of Coeymans Middle DiKE, north of a line bearing due west from a point 700 feet south of Upper Hudson River Light No. 43, and south of a line bearing due west from Upper Hudson River Light No. 45, except for an area 125 feet wide, adjacent to and east of the bulkhead fronting the Village of Coeymans and Barren Island DiKE.

(w) *Hudson River, at Cedar Hill, New York.* That portion of the westerly side of the Hudson River, adjacent to Cedar Hill DiKE, 250 feet in width, bounded on the south by the northerly side of the cut in the dike at the junction of the Vroman Kill and the Hudson River, and extending northerly therefrom 1,600 feet.

(x) *Sheepshead Bay—(1) Western Area.* South of a line 25 feet south of and parallel to the bulkhead wall along the south side of Emmons Avenue; east of a line 200 feet east of and parallel to the prolonged west line of East 15th Street; north of a line 75 feet north of and parallel to the bulkhead wall along the north side of Shore Boulevard between Amherst Street and Dover Street and as prolonged to a point 315 feet south of the bulkhead wall along the south side of Emmons Avenue and 25 feet west of the prolonged west side of Ocean Avenue; and west of a line parallel to and 25 feet west of the prolonged west line of Ocean Avenue.

(2) *Northern Area.* South of the established U.S. pierhead line on the north side of the bay; west of the prolonged west line of Coyle Street; north of a line ranging from a point 90 feet south of said pierhead line in said prolonged west line of Coyle Street to the intersection of the south line of Shore Boulevard and the west line of Kensington Street; north of a line parallel to and 325 feet north of the bulkhead wall along the north side of Shore Boulevard; northeast of a line ranging from the point of intersection of the last-mentioned line with the prolonged east line of East 28th Street, toward a point on the prolonged east line of East 27th Street and 245 feet south of the established U.S. pierhead line on the north side of the bay; and east of

the prolonged east side of East 27th Street.

(3) *Southern Area.* South of a line extending from a point 175 feet northerly of the bulkhead wall along the north side of Shore Boulevard (perpendicular distance) and in the prolonged west side of Hastings Street to a point on the prolonged east side of Mackenzie Street 125 feet north of the bulkhead wall on the north side of Shore Boulevard; thence south of a line parallel to and 125 feet northerly of the bulkhead wall along the north side of Shore Boulevard from the last-mentioned point to the prolonged west line of Coyle Street; north of a line parallel to and 25 feet north of the bulkhead wall along the north side of Shore Boulevard; and east of the prolonged west side of Hastings Street.

(4) *Captain of the Port Regulations.* In Sheepshead Bay, N.Y., Western, Northern and Southern Special Anchorage Areas, the Captain of the Port—New York mooring regulations in § 110.155(d)(7) apply with the following modifications:

(i) Two anchors shall be used. The anchor minimum weight and minimum chain size shall be as shown in table 110.60(x)(4) and the anchor shall be placed as shown in figure 110.60(x)(4).

(ii) A Sheepshead Bay, N.Y., mooring position is designated by the encircled number from the Coast Guard mooring chart, and the distance from the nearest range number, and the distance from the nearest bulkhead line. (Example: circle 2-W in Western Area 50° East of Range No. 20, 40° South of bulkhead line.)

(iii) The area is principally for vessels used for a recreational purpose.

TABLE 110.60(x)(4)

Vessel length, in feet	Anchor weight, in pounds per anchor	Chain size, in inches
15 or less	100	$\frac{3}{8}$ "
Greater than 15 but not greater than 21	150	$\frac{3}{4}$ "
Greater than 21 but not greater than 26	200	$\frac{3}{4}$ "

TABLE 110.60(x)(4)—Continued

Vessel length, in feet	Anchor weight, in pounds per anchor	Chain size, in inches
Greater than 26	10 per foot of vessel length.	1/2 for each anchor whose weight is not greater than 400 lbs., 5/8 for each anchor whose weight is greater than 400 lbs.

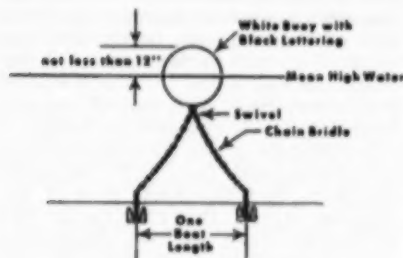


Figure 110.60(x)(4)

(y) *Coecles Harbor at Shelter Island, New York.* That portion of Coecles Harbor bounded on the North by a line drawn between the northernmost point of land at Sungic Point and latitude 41°04'09" North, longitude 72°17'54" West, thence eastward along the shoreline to the point of origin.

(y-1) *West Neck Harbor at Shelter Island, New York.* That portion of West Neck Harbor bounded on the North by a line drawn between latitude 41°02'48" North, longitude 72°20'27" West and a point on Shell Beach located at latitude 41°02'29" North, longitude 72°20'50" West; thence eastward along the shoreline to the point of origin.

(z) *Point Comfort at Keansburg, New Jersey.* This special anchorage is adjacent to the amusement pier at Point Comfort on Raritan Bay and is bounded as follows: beginning on the Keansburg shore at latitude 40°27'19" North longitude 74°08'25" West; to latitude 40°27'38" North longitude 74°08'52" West; to latitude 40°27'52" North longitude 74°08'32" West; to latitude

40°27'50" North longitude 74°07'46" West; to latitude 40°27'14" North longitude 74°07'46" West; and thence turning westward along the shoreline to the point of origin.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 110.60, see the List of CFR Sections Affected in the Finding Aid section of this volume.

§ 110.65 Indian River Bay, Del.

Beginning at a point bearing 170° 300 feet, from a point on the southern edge of the project channel 5,500 feet westerly from the State highway bridge across Indian River Inlet, thence 174°, 600 feet; thence 264°, 80 feet; thence 354°, 600 feet; and thence 84°, 800 feet, to the point of beginning.

§ 110.67 Delaware River, Essington, Pa.

North of Little Tinicum Island, between the mouth of Darby Creek and Jansen Avenue, Essington, bounded as follows: Beginning at a point (approximately latitude 39°51'31", longitude 75°17'43") on a line in prolongation of the westerly line of Jansen Avenue 120 yards southerly from the mean high water line; thence 184°, 300 yards; thence 274°30', 1,700 yards; thence 0°, 425 yards; thence 100°, 1,225 yards; and thence 95°, 490 yards, to the point of beginning.

§ 110.70 Chesapeake and Delaware Canal, easterly of Courthouse Point, Md.

The waters southerly of a line joining the northernmost extremity of Courthouse Point and the westernmost point of Herring Island; westerly of a line bearing 180° from a point on the aforesaid line 220 yards from the westernmost point of Herring Island and northerly and easterly of the shoreline.

§ 110.70a Northeast River, North East, Md.

The water area west of North East Heights, Maryland enclosed by a line beginning on the shoreline at latitude 39°34'26" N., longitude 75°57'18" W.; thence westerly to latitude 39°34'20" N., longitude 75°57'29" W.; thence northeasterly to latitude 39°34'30" N., longitude 75°57'27" W.; thence easterly to the shoreline at latitude 39°34'30"

N., longitude 75°57'18" W.; thence southerly following the shoreline to the point of beginning.

[CGD 73-189R, 39 FR 5314, Feb. 12, 1974]

§ 110.71 Jacobs Nose Cove, Elk River, Md.

The water area of Jacobs Nose Cove, on the west side of the mouth of Elk River, Maryland, comprising the entire cove south of Jacobs Nose as defined by the shoreline and a line bearing 046°-226° true across the entrance of the cove tangent to the shore on both the north and south sides.

[CGD 77-143, 44 FR 18663, Mar. 29, 1979]

§ 110.71a Cabin Creek, Grasonville, Md.

The waters of Cabin Creek, Maryland, enclosed by a line drawn from latitude 38°56'34" N., longitude 76°12'49" W., on the western shore to latitude 38°56'28" N., longitude 76°12'29" W., on the eastern shore; thence following the general line of the shore to the point of beginning.

[CGD 78-026, 44 FR 6910, Feb. 5, 1979]

§ 110.71b Wye River, Wye, Md.

The waters of a cove on the western shore of Wye River opposite Drum Point enclosed by a line drawn from latitude 38°53'17" N., longitude 76°11'23" W., to latitude 38°53'18" N., longitude 76°11'23" W., to latitude 38°53'18" N., longitude 76°11'13" W.; thence following the shoreline to the point of beginning.

[CGD 78-026, 44 FR 6910, Feb. 5, 1979]

§ 110.72 Blackhole Creek, Md.

The waters on the west side of Blackhole Creek, a tributary of Magoth River, southwest of a line bearing 310°30' from the most northerly tip of an unnamed island located 0.16 mile upstream from the mouth of the creek approximately 660 feet to the west shore of the creek; northwest of a line ranging from the southwesterly tip of the island toward the point of land on the west shore of the creek immediately southwest thereof; and north of a line 100 feet from and parallel to the shore of the creek to its intersection with the south property line extended of the Potapskut Sailing Association, Inc., thence northwesterly along the

said property line extended to the shore.

§ 110.72a Chester River, southeast of Chestertown, Md.

The waters of the Chester River enclosed by a line beginning at a point on the Rolph Marina pier at latitude 39°10'25" N., longitude 76°02'17" W.; thence 327° to a point 400 feet southwest of the entrance to Hambleton Creek at latitude 39°10'55" N., longitude 76°02'40" W.; thence northeasterly to the eastern side of the entrance to Hambleton Creek; thence southerly following the shoreline to the Rolph Point Marina pier; thence southwesterly along the Rolph Point Marina pier to the point of beginning.

[CGD 73-10R, 38 FR 33973, Dec. 10, 1973]

§ 110.72aa Elizabeth River Spectator Vessel Anchorage Areas, between Norfolk and Portsmouth, Virginia.

(a) *Special Anchorage Areas.* (1) The waters of the Elizabeth River bounded by the shore and a line drawn between Hospital Point at latitude Latitude 36°50'50.5" North, longitude 76°18'09.0" West, and the tip of the channelside pier at the Holiday Inn Marina at latitude 36°50'29.5" North, longitude 76°17'52.5" West.

(2) The waters of the Elizabeth River adjacent to the Port Norfolk Reach section of the Elizabeth River, bounded by the shore and a line drawn between Hospital Point at latitude 36°50'50.55" North, longitude 76°18'14.509.0" West, and the tip of the southern most railroad pier at Port Norfolk at latitude 36°51'14.5" North, longitude 76°18'44.0" West.

(b) *Effective period.* These special anchorage areas in paragraph (a) of this section are only in effect when the regulations in § 100.501 of this title are in effect.

[CGD05-88-12, 53 FR 20320, June 3, 1988]

§ 110.72b St. Simons Island, Georgia.

The area beginning at a point southwest of Frederica River Bridge, St. Simons Island Causeway at latitude 31°09'58" N., longitude 81°24'55" W.; thence southwesterly to latitude 31°09'42" N., longitude 81°25'10" W.;

§ 110.72c

thence westerly to the shoreline at latitude 31°09'45" N., longitude 81°25'20" W.; thence northeasterly along the shoreline to latitude 31°10'02" N., longitude 81°25'00" W.; thence southeasterly to the point of origin.

[CGD 76-47, 42 FR 40694, Aug. 11, 1977]

§ 110.72c Lake Murray, S.C.

(a) The area beginning at the 125 foot pier of the Columbia Sailing Club, approximately latitude 34°03'51" N., longitude 81°13'37" W.; thence 167° to latitude 34°03'43.6" N., longitude 81°13'39.2" W.; thence easterly to latitude 34°03'45" N., longitude 81°13'32.1" W.; thence 347° to the shoreline, thence along the shoreline to the beginning.

[CGD 77-189, 43 FR 14470, Apr. 6, 1978]

§ 110.72d Ashley River, Charleston, S.C.

The waters lying within an area bounded by the outer end of Municipal Marina bulkhead latitude 32°46'35" N., longitude 79°57'05" W.; thence 129° true to latitude 32°46'30" N., longitude 79°56'57" W.; thence 090° true to the shoreline; thence northwest along the shoreline to the shore end of City Marina bulkhead.

[CGD 78-15, 49 FR 26588, June 28, 1984]

§ 110.73 St. Johns River, Fla.

(a) *Area A.* The waters lying within an area bounded by a line beginning at a point located at the west bank of St. Johns River at latitude 30°15'11", longitude 81°41'23"; thence to latitude 30°15'13", longitude 81°41'14"; thence to latitude 30°15'03", longitude 81°41'11"; thence to latitude 30°15'04", longitude 81°41'20"; and thence to the point of beginning.

(b) *Area B.* The waters lying within an area bounded by a line beginning at latitude 30°15'03", longitude 81°41'28"; thence to latitude 30°15'02", longitude 81°41'10"; thence to latitude 30°14'56", longitude 81°41'08"; thence to latitude 30°14'54.5", longitude 81°41'10.5"; and thence to the point of beginning.

§ 110.73a Indian River at Sebastian, Fla.

Beginning at a point on the shoreline at latitude 27°49'40" N., longitude

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80°28'26" W.; thence 060° to latitude 27°49'46" N., longitude 80°28'13" W.; thence 156° to latitude 27°49'31" N., longitude 80°28'05" W.; thence 242° to latitude 27°49'25" N., longitude 80°28'18" W.; thence northerly along the shoreline to the point of beginning.

NOTE: This area is principally for use by commercial fishing vessels less than 65 feet in length.

[CGD 74-104, 40 FR 2689, Jan. 15, 1975]

§ 110.73b Indian River at Vero Beach, Fla.

(a) *Area A.* Beginning at a point located on the eastern shore of Fritz Is. at latitude 27°39'32.5" N., longitude 80°22'20.6" W. following the shoreline northward to the northwest point at latitude 27°39'46" N., longitude 80°22'25.9" W.; thence due east to a point on Orchid Is. at approximately latitude 27°39'46" N., longitude 80°22'16.2" W.; thence southerly along the shoreline of Orchid Is. to latitude 27°39'32.5" N., longitude 80°22'13.4" W.; thence due west to the point of beginning.

(b) *Area B.* Beginning at a point located at the entrance channel marker No. 2 at latitude 27°39'12" N., longitude 80°22'17.3" W.; thence northeasterly to channel marker No. 4 at latitude 27°39'21" N., longitude 80°22'15.8" W.; thence due east to Orchid Is. at approximately latitude 27°39'21" N., longitude 80°22'11.8" W.; thence southerly along the western shoreline of Orchid Is. to latitude 27°39'12" N., longitude 80°22'15.6" W.; thence due west to the point of beginning.

(c) Vessels shall be so anchored so that no part of the vessel obstructs the turning basin or channels adjacent to the special anchorage areas.

[CGD 78-44, 51 FR 395, Jan. 6, 1986]

§ 110.74 Marco Island, Marco River, Fla.

Beginning at a point approximately 300 feet east of the Captains Landing Docks at latitude 25°58'04" N., longitude 81°43'31" W.; thence 108°, 450 feet; thence 198°, 900 feet; thence 288°, 450 feet; thence 018°, 900 feet to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. For

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and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area.

[CGFR 70-53A, 35 FR 14506, Sept. 16, 1970]

§ 110.74a Manatee River, Bradenton, Fla.

The waters of the Manatee River enclosed by a line beginning at latitude 27°31'18.6" N, longitude 82°36'49.2" W.; thence westerly to latitude 27°31'21" N, longitude 82°37'7.2" W.; thence northwesterly to latitude 27°31'22.2" N, longitude 82°37'8.4" W.; thence northeasterly to latitude 27°31'25.8" N, longitude 82°37'00" W.; thence easterly to latitude 27°31'24" N, longitude 82°36'44.4" W.; thence to the point of beginning.

[CGD 79-118, 45 FR 32673, May 19, 1980]

§ 110.74b Apollo Beach, Fla.

Beginning at a point approximately 300 feet south of the Tampa Sailing Squadron at latitude 27°46'50.2" N, longitude 82°25'27.8" W.; thence southeasterly to latitude 27°46'45.6" N, longitude 82°25'23.2" W.; thence southwesterly to latitude 27°46'35.8" N, longitude 82°25'34.8" W.; thence northwesterly to latitude 27°46'39.9" N, longitude 82°25'39.6" W.; thence to the point of beginning.

[CGD 7-80-03, 45 FR 79031, Nov. 28, 1980]

§ 110.74c Bahia de San Juan, PR.

The waters of San Antonio Channel, Bahia de San Juan, eastward of longitude 66°05'45" W.

[CGD 7-83-29, 49 FR 48540, Dec. 13, 1984]

§ 110.75 Corpus Christi Bay, Tex.

(a) *South area.* Southward of the southernmost T-head pier at the foot of Cooper Avenue and of a line bearing 156°44', 340.6 feet, from the southerly corner of said pier to a point on the rubble breakwater; westward and northward of said breakwater; and eastward of the Corpus Christi sea wall.

§ 110.77 Amistad Reservoir, Tex.

(a) *Diablo East, Tex.* That portion of the Amistad Reservoir enclosed by a

line connecting the following points, excluding a 300-foot-wide fairway extending northerly from the launching ramp as established by the Superintendent of Amistad Recreation Area:

Latitude	Longitude
"a" 29°28'54" N.	101°01'10" W.
"b" 29°28'21" N.	101°01'08" W.
"c" 29°28'34" N.	101°00'32" W.
"d" 29°28'54" N.	101°00'32" W.

(b) *Rough Canyon, Tex.* That portion of the Amistad Reservoir enclosed by a line connecting the following points, excluding a 300-foot-wide fairway extending westerly from the launching ramp to the Devils River main channel as established by the Superintendent of Amistad Recreation Area:

Latitude	Longitude
"a" 29°34'43" N.	100°58'54" W.
"b" 29°34'05" N.	100°58'46" W.
"c" 29°34'16" N.	100°58'20" W.
"d" 29°34'27" N.	100°58'11" W.
"e" 29°34'27" N.	100°58'36" W.
"f" 29°34'52" N.	100°58'35" W.

(c) *Laughlin Air Force Base Site, Tex.* That portion of Amistad Reservoir enclosed by a line connecting the following points:

Latitude	Longitude
"a" 29°28'29" N.	101°02'26" W.
"b" 29°28'13" N.	101°02'03" W.
"c" 29°28'30" N.	101°01'45" W.
"d" 29°28'42" N.	101°02'00" W.

NOTE: The areas will be principally for use by yachts and other recreational craft. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Amistad Recreation Area.

[CGFR 70-12, 35 FR 3807, Feb. 27, 1970]

§ 110.77a Duluth-Superior Harbor, Duluth, Minn.

The area adjacent to Park Point in Duluth-Superior Harbor within the following boundaries: beginning at latitude 46°45'19.3" N, longitude 92°04'43" W.; thence to latitude 46°45'11.7"

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N., longitude 92°05'01" W.; thence to latitude 46°44'21.2" N., longitude 92°04'15.7" W.; thence to latitude 46°44'29.4" N., longitude 92°03'57.5" W.; thence to the point of beginning.

[CGD 79-170, 45 FR 32673, May 19, 1980]

§ 110.78 Sturgeon Bay, Sturgeon Bay, Wis.

(a) *Area 1.* Beginning at a point bearing 126°, 3,000 feet from the fixed green Sturgeon Bay Canal Leading Light mounted on the highway bridge; thence 120°, 1,200 feet, this line being parallel to and 150 feet from the channel edge; thence 222°, 500 feet; thence 300°, 1,200 feet; thence 042°, 500 feet to the point of beginning.

(b) *Area 2.* Beginning at a point 160 feet from the shoreline and on the east line of 15th Avenue extended; thence south 530 feet to a point 100 feet from the northern edge of the channel; thence southeasterly 2,350 feet along a line parallel to the northern edge of the channel to a point on the east line of 18th Avenue extended, using that portion of 18th Avenue that runs in a true north-south direction perpendicular to Utah Street; thence north 530 feet along this line of 18th Avenue extended to a point approximately 400 feet from the shoreline; thence northwesterly 2,350 feet along a line parallel to the northern edge of the channel to the point of beginning.

[CGFR 70-15A, 35 FR 8823, June 6, 1970, as amended by CGFR 70-86A, 35 FR 18374, Dec. 3, 1970]

§ 110.79a Neenah Harbor, Neenah, Wis.

(a) *Area 1.* The area of Neenah Harbor south of the main shipping channel within the following boundary: A line beginning at a point bearing 117.5°, 1,050 feet from the point where the southeasterly side of the First Street/Oak Street Bridge crosses the south shoreline of the river; thence 254°, 162 feet; thence 146°, 462 feet; 164°, 138 feet; 123°, 367 feet; 068°, 400 feet; 044°, 400 feet; thence 320°, 107 feet; thence 283°, 1,054 feet to the point of beginning.

(b) *Area 2.* Commencing at a point where the west line of Second Street extended meets the north edge of the harbor, thence south to intersect the

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north edge of the channel at latitude 44°11'04.2" North, longitude 88°27'13.2" West, thence northwesterly to a point at latitude 41°11'06.3" North, longitude 88°27'16.4" West, thence north to the easterly end of the Neenah Dam Spillway.

NOTE: An ordinance of the City of Neenah, Wis., requires approval of the Neenah Police Department for the location and type of individual moorings placed in this special anchorage area.

[CGD 85-017, 50 FR 49844, Dec. 5, 1985]

§ 110.79b Millers Bay, Lake Winnebago, Oshkosh, WI

The area adjacent to Menominee Park in Millers Bay within the following boundaries: beginning at latitude 44° 01' 47" N., longitude 88° 31' 05" W.; thence to latitude 44° 01' 46" N., longitude 88° 31' 00" W.; thence to latitude 44° 01' 34" N., longitude 88° 31' 04" W.; thence to latitude 44° 01' 36" N., longitude 88° 31' 08" W.; thence to point of beginning.

[CGD 09-80-01, 47 FR 18333, Apr. 29, 1982]

§ 110.79c Fish Creek Harbor, Fish Creek, Wisconsin.

The area within the following boundaries: Beginning at latitude 45°07'58" N., longitude 87°14'41" W.; thence to latitude 45°07'58" N., longitude 87°14'35" W.; thence to latitude 45°07'50" N., longitude 87°14'30" W.; thence to latitude 45°07'47" N., longitude 87°14'38" W.; thence to the point of beginning.

[CGD 09-82-04, 48 FR 11268, Mar. 14, 1983]

§ 110.80 Milwaukee Harbor, Milwaukee, Wis.

(a) *McKinley Park.* The water area east of McKinley Park enclosed by a line beginning at McKinley Park Jetty Light; thence 090°, 500 feet to a point on the breakwater; thence northerly and northwesterly following the breakwater, piers, jetty and natural shoreline to the point of beginning.

(b) *South Shore Park.* The water area northeast of South Shore Park enclosed by a line beginning at the northeast corner of the jetty at latitude 43°00'07.5" N., longitude 87°53'00" W.; thence to latitude 43°00'05" N.,

longitude 87°53'01" W.; thence to latitude 42°59'55" N., longitude 87°52'53" W.; thence to latitude 42°59'40" N., longitude 87°52'33.5" W.; thence to a point of the shoreline at latitude 42°59'34" N., longitude 87°52'43.5" W.; thence following the shoreline to the point of beginning.

(c) *Bay View Park*. The water area east of Bay View Park enclosed by a line beginning on the shoreline at latitude 42°59'28.5" N., longitude 87°52'35" W.; thence to latitude 42°59'35.5" N., longitude 87°52'27" W.; thence to latitude 42°59'08" N., longitude 87°51'37" W.; thence to a point on the shoreline at latitude 42°58'59" N., longitude 87°51'46" W.; thence following the shoreline to the point of beginning.

NOTE: An ordinance of the City of Milwaukee, Wisconsin requires the approval of the Milwaukee Harbor Master for the location and type of moorings placed in these special anchorage areas.

[CGD 73-48R, 39 FR 12007, Apr. 2, 1974]

§ 110.80a Lake Macatawa, Mich.

An area located on the south side of Lake Macatawa near the entrance to Lake Michigan, shoreward (south) of a line commencing offshore of Macatawa Park at a point 960 feet S 156° E from the light on the south pier at the entrance to the Lake, and extending 1,550 feet N 82° E toward the northwest corner of the Macatawa Bay Yacht Club pier.

§ 110.80b Marquette Harbor, Marquette, Mich.

The area within Marquette Harbor beginning at latitude 46°32'38" N., longitude 87°22'46" W.; thence to latitude 46°32'37" N., longitude 87°22'54" W.; thence to latitude 46°32'33" N., longitude 87°22'54" W.; thence to latitude 46°32'33" N., longitude 87°22'46" W.; thence to point of origin.

NOTE: An ordinance of the City of Marquette authorizes the Harbormaster to direct the location and length of time any watercraft may anchor in this area.

[CGD 79-018, 44 FR 50040, Aug. 27, 1979]

§ 110.81 Muskegon Lake, Mich.

(a) *Muskegon Lake West*. The waters of the southwest side of Muskegon Lake enclosed by a line beginning at latitude 43°13'24" N., longitude

86°19'18.5" W.; thence 145°T to latitude 43°13'07.5" N., longitude 86°19'02.5" W.; thence 230°T to latitude 43°13'04" N., longitude 86°19'08.5" W.; thence along the shoreline to the point of origin.

(b) *Muskegon Lake East*. The waters of the southeast side of Muskegon Lake enclosed by a line beginning at latitude 43°14'04" N., longitude 86°15'47" W.; thence 277°T to latitude 43°14'06.5" N., longitude 86°16'27" W.; thence 205°T to the shore; thence along the shoreline to the point of origin.

NOTE: Administration of the Special Anchorage Area is exercised by the City of Muskegon pursuant to local ordinances.

[CGD 79-171, 46 FR 48195, Oct. 1, 1981]

§ 110.81a Lake Betsie, Frankfort, MI.

The area within the following boundaries:

Beginning at latitude 44°37'47" North, longitude 86°13'52.5" West; thence to latitude 44°37'51.4" North, longitude 86°13'49" West; thence to latitude 44°37'46.4" North, longitude 86°13'37.8" West; then to latitude 44°37'44.8" North, longitude 86°13'44.2" West; thence to point of beginning.

[CGD 09-82-06, 48 FR 33263, July 21, 1983]

§ 110.82 Charlevoix Harbor, Mich.

The waters on the north side of Round Lake northward of a line beginning at a point approximately 200 feet south of the north shore bearing 60°, 280 feet, from the northeast corner of the Charlevoix Municipal Wharf, and bearing thence 92°, 400 feet, thence 129°, 1,160 feet, and thence 110° to the westerly end of the southwest side of Park Island.

§ 110.82a Little Traverse Bay, Lake Michigan, Harbor Springs, Mich.

(a) *Area 1*. Beginning at latitude 45°25'42.2" N., longitude 84°59'7.5" W.; thence to latitude 45°25'39.5" N., longitude 84°59'09" W.; thence to latitude 45°25'35" N., longitude 84°59'07" W.; thence to latitude 45°25'35" N., longitude 84°58'55.2" W.; thence to latitude 45°25'42.2" N., longitude 84°58'56.5" W.; thence to the point of beginning.

(b) *Area 2*. Beginning at latitude 45°25'42.2" N., longitude 84°58'54" W.; thence to latitude 45°25'35" N., longi-

tude 84°58'53" W.; thence to latitude 45°25'35" N., longitude 84°58'24.8" W.; thence to latitude 45°25'36.1" N., longitude 84°58'23"W.; thence to latitude 45°25'42.2" N., longitude 84°58'39" W., thence to the point of beginning.

[CGD 09-85-02, 50 FR 24194, June 10, 1985]

§ 110.83 Chicago Harbor, Ill.

(a) *Grant Park North-A.* Beginning at a point 2,120 feet South of the intersection of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, and the harbor line approved by the Department of the Army on August 3, 1940, along the West side of the harbor, said harbor line runs parallel to the overall alignment of said Grant Park bulkhead between its North and South ends, said intersection is approximately 800 feet South of the South face of the former Naval Armory Dock, and 100 feet East of said bulkhead, that point being approximately on the harbor line; thence North along a straight line parallel to said harbor line and bulkhead, 1,705 feet to a point that is 100 feet East of said harbor line and 150 feet East of the Grant Park bulkhead; thence East at a right angle, 150 feet; thence North at a right angle, parallel to the first described line, passing 100 feet East of the Chicago Yacht Club bulkhead, 440 feet; thence Northeasterly 850 feet to a point 1,070 feet East of the aforesaid Grant Park bulkhead; thence Southeasterly 740 feet to a point 1,600 feet East of said harbor line; thence Southerly 1,960 feet to a point approximately 1,555 feet East of said harbor line and about 1,560 feet East of said Grant Park bulkhead; thence Southwesterly 295 feet to a point 1,180 feet due East, in a direction perpendicular to the West line hereof, from the point of beginning; and thence West to the point of beginning.

(b) *Grant Park North-B.* Beginning at a point 145 feet North of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, and 320 feet East of the harbor line approved by the Department of the Army on August 3, 1940, along the West side of the harbor, said Chicago Yacht Club bulkhead extends due East, perpendicular to the Grant Park bulkhead's

overall alignment between its North and South ends, said bulkhead runs parallel to the aforesaid harbor line and is approximately 800 feet South of the South face of the former Naval Armory Dock, said point is 20 feet East of the East face of the Chicago Park District jetty; thence North parallel to said jetty, 230 feet to a point 20 feet South of the South face of the Lake Shore Drive bulkhead, said bulkhead runs Easterly and Westerly in a curved direction; thence Easterly along a line parallel to said curved bulkhead to a point 20 feet Southwest and perpendicular to a line extended along the Southwest side of the Columbia Yacht Club pier to said curved bulkhead; thence Southeasterly parallel to said extended line, 160 feet; thence Southwesterly to the point of beginning.

(c) *Grant Park North-C.* Beginning at a point 970 feet North of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, which extends due East and perpendicular from the harbor line approved by the Department of the Army on August 3, 1940, said Chicago Yacht Club bulkhead line is approximately 800 feet South of the South face of the former Naval Armory Dock, and 1,170 feet East of said harbor line, said point of beginning is 20 feet East of the East face of the Columbia Yacht Club pier and 20 feet South of the South face of a breakwater, which runs in a East and West direction; thence East along a line parallel to the South face of said East-West breakwater, 540 feet to a point 20 feet West of the West face of a breakwater, which runs in a North and South direction; thence South along a line parallel to the West face of said North-South breakwater, approximately 965 feet; thence Northwesterly to a point 20 feet Southeast and perpendicular to the Southeast side of the aforesaid Columbia Yacht Club pier; thence Northerly along a line parallel to the East face of said pier to the point of beginning.

(d) *Grant Park South.* Beginning at a point 2,220 feet South of the intersection of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, and the harbor line approved by the Department of the

Army on August 3, 1940, along the West side of the harbor, said harbor line runs parallel to the overall alignment of the Grant Park bulkhead between its North and South ends, said intersection is approximately 800 feet South of the South face of the former Naval Armory Dock, and 100 feet East of said Grant Park bulkhead, that point being approximately on the harbor line; thence East, perpendicular to the overall alignment of the Grant Park bulkhead, and perpendicular to said harbor line, 1,180 feet; thence Southeasterly 330 feet to a point 1,510 feet East of said Grant Park bulkhead and 225 feet South of an extension of the first described line; thence South perpendicular to the first described line, 220 feet; thence Southwesterly 2,375 feet along a line generally 100 feet Northwesterly from and parallel to the Northwesterly face of the narrow section of the U.S. Inner Breakwater; thence Northwesterly 100 feet to a point 150 feet East of said Grant Park bulkhead (or 100 feet East of the aforesaid harbor line), and 4,570 feet South of the North line of the aforesaid Chicago Yacht Club bulkhead; and thence North 2,350 feet of the point of beginning.

NOTE: The Chicago Park District controls the location and type of any moorings placed in the special anchorage areas in this section.

[CGD09-83-02, 50 FR 27581, July 5, 1985]

§ 110.83a Cedar Point, Sandusky, Ohio.

The water area enclosed by the break wall beginning at latitude 41°28'13" N., longitude 82°40'39" W.; thence along the break wall to latitude 41°28'21" N., longitude 82°40'53" W.; thence along a straight line southwesterly to latitude 41°28'20" N., longitude 82°40'55" W.; thence along the break wall to latitude 41°28'33" N., longitude 82°40'58" W.; thence along the shoreline to the point of beginning.

[CGD 79-169, 45 FR 32674, May 19, 1980]

§ 110.84 Black Rock Channel opposite foot of Porter Avenue, Buffalo, N.Y.

An area extending northwesterly between Black Rock Channel and Bird Island Pier opposite the foot of Porter

Avenue, bounded as follows: Beginning at Triangulation Marker "N-5" on Bird Island Pier; thence southeasterly along the pier a distance of approximately 745 feet; thence 60°52' true, approximately 300 feet to a point 50 feet westerly of the westerly limit of Black Rock Channel; thence northwesterly along an arc of a circle parallel to and 50 feet westerly of the westerly limit of the channel to a point approximately 360 feet southerly of Bird Island Pier Light No. 17; thence 276°20' true, approximately 135 feet to Bird Island Pier; thence southwesterly and southerly along the pier a distance of approximately 1,355 feet to the point of beginning.

§ 110.84a Put-In-Bay, Ohio.

The area in Put-In-Bay, Ohio commencing at a point 283° true 450 feet from Put-In-Bay Dock Light; thence 008°, 850 feet; thence 254°, 900 feet; thence 193°, 400 feet; thence 126°, 420 feet; thence 085°, 500 feet to the point of origin. The area is further divided into two areas. Area I lies east of and Area II lies west of the line commencing at the southwest corner adjacent to Put-In-Bay Buoy 4 running 013° to the mid-point of the northern boundary.

NOTE: Area I is for boats anchoring using their own anchoring gear excluding mooring buoys; Area II is for boats using their own anchoring gear and boats moored to authorized mooring buoys. Authorization for placement of mooring buoys in Area II is required from the District Engineer, U.S. Army Corps of Engineers, Box 1027, Detroit, Michigan.

[CGD 76-103, 42 FR 36254, July 14, 1977]

§ 110.84b Buffalo, N.Y.

The area within the Port of Buffalo known as Port of Buffalo Small Boat Harbor commencing at a point on shore at latitude 42°51'05" N., longitude 78°51'55" W.; thence 240° to riprap dike thence following the dike to the shoreline; thence along the shoreline to the point of origin.

[CGD 77-47, 43 FR 35480, Aug. 10, 1978; 43 FR 56040, Nov. 30, 1978]

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§ 110.85 Niagara River, Youngstown, N.Y.

(a) *Area 1.* Beginning at a point at the intersection of the south line of Swain Street extended with the east shoreline of the Niagara River at latitude 43°14'33" N, longitude 79°03'7.5" W; thence westerly to a point at latitude 43°14'33" N, longitude 79°03'9.5" W; thence southerly to a point at latitude 43°14'15.5" N, longitude 79°03'10" W; thence westerly to a point at latitude 43°14'15.5" N, longitude 79°03'17" W; thence northerly to a point at latitude 43°14'54.5" N, longitude 79°03'14" W; thence southeasterly to a point at latitude 43°14'52.3" N, longitude 73°03'09" W; thence southerly to a point at latitude 43°14'51.4" N, longitude 73°03'09" W; thence easterly to a point at latitude 43°14'51.5" N, longitude 79°03'6.5" W; thence along the shoreline to the point of beginning.

(b) *Area 2.* Beginning at a point at latitude 43°14'53.2" N, longitude 79°03'08" W; thence northwesterly to a point at latitude 43°14'56" N, longitude 79°03'14" W; thence northerly to a point at latitude 43°15'07" N, longitude 79°03'13" W; thence northwesterly to a point at latitude 43°15'9.5" N, longitude 79°03'13.5" W; thence southeasterly to a point at latitude 43°15'7.5" N, longitude 79°03'08" W; thence southerly to the point of beginning.

(c) *Area 3.* Beginning at a point at latitude 43°15'7.9" N, longitude 79°03'03" W; thence westerly to a point at latitude 43°15'7.9" N, longitude 79°03'04" W; thence northwesterly to a point at latitude 43°15'11.8" N, longitude 79°03'14" W; thence northerly to a point at latitude 43°15'14" N, longitude 79°03'14" W; thence northwesterly to a point at latitude 43°15'22" N, longitude 79°03'21.5" W; thence northeasterly to a point at latitude 43°15'25.5" N, longitude 79°03'13" W; thence along the shoreline to the point of beginning.

NOTE: The Youngstown Harbor Commission controls the location, type, and assignment of moorings placed in the special anchorage areas in this section.

[CGD 79-098, 45 FR 32674, May 19, 1980, as amended by CGD9-85-10, 50 FR 43387, Oct. 25, 1985]

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§ 110.86 Sodus Bay, N.Y.

The water area in Sodus Bay, New York, south of Sand Point beginning at a point on the shoreline at latitude 43°16'07" N, longitude 76°58'47" W; thence southwesterly to latitude 43°15'55" N, longitude 76°59'00" W; thence easterly to latitude 43°15'5" N, longitude 76°58'34" W; thence northerly to a point on the shoreline at latitude 43°15'58" N, longitude 76°58'34" W; thence along the natural shoreline and structures to the point of beginning.

NOTE: An ordinance of Wayne County, New York, requires the permission of the Wayne County Sheriff before any vessel is moored or anchored in this special anchorage area.

[CGD 73-84R, 39 FR 24362, July 2, 1974]

§ 110.87 Henderson Harbor, N.Y.

(a) *Area A.* The area in the southern portion of Henderson Harbor west of the Henderson Harbor Yacht Club, bounded by a line beginning at the point of land, approximately 150 feet west of the Graham Creek Range Rear Light; thence 180°, 50 feet; thence 275°, 810 feet; thence 000°, 1,500 feet; thence 090°, 700 feet; thence 177°, 1,250 feet to the point of land approximately 160 feet west of the Graham Creek Range Forward Light; thence along the shoreline to the point of beginning.

(b) *Area B.* The area in the southern portion of Henderson Harbor north of the Graham Creek Entrance Light bounded by a line beginning at a point 000°, 1,000 feet from Graham Creek Entrance Light; thence 357°, 1,200 feet; thence 090°, 400 feet; thence 172°, 1,200 feet; 090°, 500 feet; thence 177°, 1,200 feet; thence 270°, 500 feet to the point of beginning.

NOTE: Permission must be obtained from the Town of Henderson Harbormaster before any vessel is moored or anchored in this special anchorage area.

[CGD 74-6R, 39 FR 15271, May 2, 1974, as amended by CGD 74-195, 40 FR 51637, Nov. 6, 1975; CGD 75-234, 41 FR 2086, Jan. 14, 1976]

§ 110.90 San Diego Harbor, California.

(a) *The special anchorage areas—(1) Area A-1.* In the Municipal Yacht

Harbor, the water area enclosed by a line beginning at latitude 32°42'56.5" N., longitude 117°13'44" W.; thence southwest to latitude 32°42'53.4" N., longitude 117°13'48.2" W.; thence northwest to latitude 32°43'01.1" N., longitude 117°13'56" W.; thence northeast to latitude 32°43'02.4" N., longitude 117°13'52.4" W.; thence southeast to latitude 32°42'59.6" N., longitude 117°13'47.3" W.; thence to the point of beginning.

(2) *Area A-2.* In the Commercial Basin, the water area enclosed by a line beginning at latitude 32°43'13.9" N., longitude 117°13'21.0" W.; thence northeast to latitude 32°43'16.2" N., longitude 117°13'13.2" W.; thence northwest to latitude 32°43'22.1" N., longitude 117°13'23.7" W.; thence west to latitude 32°43'22.0" N., longitude 117°13'26.8" W.; thence southwest to latitude 32°43'19.0" N., longitude 117°13'29.2" W.; thence southeast to the point of beginning.

(3) *Area A-3.* In North San Diego Bay, north of the "B" Street Merchant Vessel Anchorage, the water area enclosed by a line beginning at latitude 32°43'30.4" N., longitude 117°10'24.4" W.; thence southwest to latitude 32°43'29.7" N., longitude 117°10'29.7" W.; thence southwest to latitude 32°43'25.6" N., longitude 117°10'33.0" W.; thence northwest to latitude 32°43'29.6" N., longitude 117°10'44.9" W.; thence northeast to latitude 32°43'36.0" N., longitude 117°10'41.6" W.; thence southeast along a line parallel to, and 200 feet bayward of, the shoreline of San Diego Bay adjoining Harbor Drive to the point of beginning.

(4) *Area A-5.* In Glorietta Bay, the water area enclosed by a line beginning at latitude 32°40'42.0" N., longitude 117°10'00.0" W.; thence southwest to latitude 32°40'41.0" N., longitude 117°10'03.5" W.; thence northwest to latitude 32°40'46.0" N., longitude 117°10'12.5" W.; thence northeast to latitude 32°40'46.5" N., longitude 117°10'11.0" W.; thence southeast to the point of beginning.

NOTE: Mariners anchoring in San Diego Harbor should consult applicable local ordinances of the San Diego Unified Port District.

[CGD11-85-06, 51 FR 19753, June 2, 1986; 51 FR 23056, June 25, 1986]

§ 110.91 Mission Bay, Calif.

(a) *Area M-1.* In San Juan Cove, the entire water area west of a line drawn from latitude 32°46'53.6" N., longitude 117°14'52.5" W.; to El Carmel Point North Light; latitude 32°46'48.0" N., longitude 117°14'50.1" W.

NOTE: Control over the anchoring of vessels and placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

(b) *Area M-2.* In Santa Barbara Cove, the entire water area west of a line drawn from latitude 32°46'40.0" N., longitude 117°14'47.0" W.; to latitude 32°46'33.5" N., longitude 117°14'45.5" W.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

(c) *Area M-3.* In Mariners Basin, the entire water area west of a line drawn from latitude 32°45'49.2" N., longitude 117°14'42.9" W.; to Mission Point Light; latitude 32°45'43.7" N., longitude 117°14'41.9" W.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

(d) *Area M-4.* In Quivira Basin, the entire water area enclosed by that portion of a circle of 45 yard radius from latitude 32°45'42.8" N., longitude 117°14'25.6" W.; through the arc from 354° T to 088° T.

NOTE: Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

[CGD11-85-02, 51 FR 2882, Jan. 22, 1986]

§ 110.93 Dana Point Harbor, Calif.

The area in Dana Point Harbor, Calif. commencing at a point at latitude 33°27'36.2" N., longitude 117°42'20.4" W.; thence 016°20' True for 612 feet to a point at latitude 33°27'42.1" N., longitude 117°42'18.4"

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W.; thence 106°20' True for 85 feet to a point at latitude 33°27'41.8" N., longitude 117°42'17.7" W.; thence 196°20' True for 222 feet to a point at latitude 33°27'39.7" N., longitude 117°42'18.2" W.; thence 182°20' True 234 feet to a point at latitude 33°27'37.4" N., longitude 117°42'18.2" W.; thence 166°20' True for 499 feet to a point at latitude 33°27'32.6" N., longitude 117°42'16.8" W.; thence 320° True for 470 feet to the point of origin.

[CGD 76-197, 42 FR 44985, Sept. 8, 1977]

§ 110.95 Newport Bay Harbor, Calif.

(a) *Area A-1.* In Lido Channel, northeast of a line parallel to and 195 feet from the pierhead line along the southwest shore of Lido Isle; north of the south U. S. Bulkhead line off Lido Isle extended; southwest of a line parallel to and 120 feet from the pierhead line along the southwest shore of Lido Isle; and southeast of the north side of Via Barcelona, on Lido Isle, extended.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(b) *Area A-2.* East of the east side of 15th Street extended; north of a line parallel to and 250 feet from the pierhead line between 14th and 15th Streets, this line being the north line of Newport Channel, and extending east in a straight line to an intersection with a line bearing 268° from Lido Isle East Light 2, this line being the northwest line of the main fairway; west of the east side of 13th Street extended; and south of a line parallel to and 220 feet from the pierhead line off the south shore of Lido Isle.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(c) *Area A-3.* A rectangular area, 40 feet wide and 885 feet long, on the west side of Upper Bay Channel, 120 feet east of and parallel to the west pierhead line, the south end being 50

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feet north from U.S. Bulkhead Station 130.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to Orange County Harbor Ordinance No. 490 for recreational and small craft of such size and alignment as permitted by the harbor master.

(d) *Area A-4.* South of a line bearing 268° from Newport Bay Channel Light 11, this line being the south line of the main fairway; north of a line parallel to and 200 feet from the pierhead line off 11th to 8th Streets; and west of a line bearing 203° from Newport Bay Channel Light 12, passing through the pierhead line at the east end of Lido Isle.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(e) *Area A-5.* (Newport Harbor Yacht Club). East of a line bearing 23° from the center of the north end of 8th Street, being parallel to and 150 feet distant from the east end of Area A-4 north of a line parallel to and 200 feet from the pierhead line off 7th and 8th Streets; northwest of a line parallel to and 200 feet from the northwest pierhead line off Bay Island; and south of a line bearing 268° from Newport Bay Channel Light 11, this line being the southerly line of the main fairway.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(f) *Area A-6.* Northwest of Harbor Island, beginning at a point on the Newport City line 107 feet from the angle point northwest of Harbor Island; thence 36°27', 55 feet; thence 303°18', 300 feet; thence 216°27', 71 feet; thence 165°12', 211 feet; thence 75°11'44", approximately 216 feet, to the point of beginning.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming

to Orange County Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(g) *Area A-7.* East of a line parallel to and 150 feet from the east pierhead line off Bay Island; north of a line parallel to and 150 feet from the pierhead line off Fernando Street; northwest of the east side of Adams Street extended; and southwest of a line bearing 131° from Newport Bay Channel Light 11, being parallel to and 100 feet southwest of the southwest line of the main channel.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(h) *Area A-8.* Northeast of a line parallel to and 270 feet from the southwest pierhead line from Collins Isle to Balboa Island; north of a line bearing 11° from Newport Bay Channel Lighted Buoy 10 and passing through Newport Bay Channel Light 12, this line being the northeast line of the main channel; southwest of a line parallel to and 150 feet from the southwest pierhead line from Collins Isle to Balboa Island; and southeast of a line bearing 238° from U.S. Station 160.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(i) *Area A-9.* In Balboa Island Channel, east of a line bearing due north from U.S. Station 151, being 25 feet east of the end of Emerald Avenue; north of a line parallel to and 75 feet from the north pierhead line off Balboa Island; west of the east side of Methyst Avenue extended; and south of a line parallel to and 150 feet from the north pierhead line of Balboa Island.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small

craft of such size and alignment as permitted by the harbor master.

(j) *Area A-10.* Southeast of a line bearing 209° from Newport Bay Channel Lighted Buoy 10 and passing through the east side of the end of "A" Street; north of an irregular line parallel to and 150 feet from the north pierhead line off Balboa Peninsula from "A" to "K" Streets; south of the south line of the main channel; and south and southeast of an irregular line parallel to and 375 feet from the north pierhead line off Balboa Peninsula.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(k) *Area A-11.* Northeast of a line bearing 108°30' from Newport Bay Channel Lighted Buoy 10, this line being the northeast line of the main channel; north of a line parallel to and 350 feet from the south pierhead line off Balboa Island; west of the west bulkhead line of the Grand Canal extended; and south of a line parallel to and 150 feet from the south pierhead off Balboa Island.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(l) *Area A-12 (Balboa Yacht Club).* South of a line parallel to and 150 feet from the south pierhead line off Balboa Island; west of the east end pierhead line off Balboa Island extended and bearing 161°; north of a line parallel to and 700 feet from the south pierhead line off Balboa Island; and east of a line parallel to and 1,000 feet from the east boundary, bearing 161° from the point of intersection of the east bulkhead line of Grand Canal and the south bulkhead line off Balboa Island.

NOTE: This area is reserved for recreational and other small craft. Single moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small

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nance No. 543 for pleasure boats and yachts of such sizes and alignments as permitted by the harbor master.

(m) [Reserved]

(n) *Area B-1.* Southeast of a line bearing 237° from Lido Isle West Light 4 and being parallel to and 200 feet from the pierhead line off the southeast end of Rhine Point; northeast of the southwest bulkhead line off Rhine Point extended; north of a line parallel to and 250 feet from the pierhead line between 15th and 18th Streets, this line being the north line of Newport Channel; west of the west side of 15th Street extended; and south of a line parallel to and 220 feet from the pierhead off the south shore of Lido Isle.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD11-85-02, 51 FR 2882, Jan 22, 1986]

§ 110.100 Los Angeles and Long Beach Harbors, Calif.

(a) [Reserved]

(b) *Area A-2.* Consisting of two parts in the outer basin of Fish Harbor on the east and west sides of Fish Harbor Entrance Channel described as follows:

(1) *Part 1.* Beginning at a point at the intersection of westerly side of Fish Harbor Entrance Channel and the outer jetty; thence southwesterly along the jetty about 900 feet to the shore; thence northerly about 500 feet; thence northeasterly about 650 feet, on a line parallel to jetty; thence southeasterly about 500 feet, along the westerly side of Fish Harbor Entrance Channel to the point of beginning.

(2) *Part 2.* Beginning at a point at the intersection of the east side of Fish Harbor Entrance Channel and Fish Harbor mole (outer Fish Harbor); thence northwesterly along channel line about 850 feet to the southerly side of the Fairway; thence northeasterly and easterly along the southerly side of the Fairway, about 478 and 565

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feet respectively to its intersection with Fish Harbor mole; thence southerly and southwesterly along the mole to the point of beginning.

§ 110.111 Marina del Rey Harbor, Calif.

An area in the main channel within the following described boundaries:

Beginning at the most northeasterly corner at latitude 33°58'58", longitude 118°26'46"; thence southerly to latitude 33°58'53", longitude 118°26'46"; thence southeasterly to latitude 33°58'52", longitude 118°26'45"; thence southerly to latitude 33°58'39", longitude 118°26'45"; thence westerly to latitude 33°58'38", longitude 118°26'50"; thence northerly to latitude 33°59'00", longitude 118°26'55"; thence easterly to the point of beginning.

NOTE: This area is reserved for yachts and other recreational craft and for all types of small craft during storm, stress, or other emergency. Single and fore-and-aft moorings will be allowed in the area as permitted by the Director of the Department of Small Craft Harbors, Los Angeles County.

§ 110.115 Santa Barbara Harbor, Calif.

North of the Santa Barbara breakwater; seaward of the line of mean high water; and southwest of a line bearing 46°30' from the north corner of Bath Street and Cabrillo Boulevard to the end of the Santa Barbara breakwater; excluding a fairway 225 feet wide, 100 feet from each side of and parallel to the Navy pier.

NOTE: Fore and aft moorings will be allowed in this area conforming to the City of Santa Barbara Harbor Ordinance No. 218 for yachts and small craft of such size and alignment as permitted by the harbor master.

§ 110.120 San Luis Obispo Bay, Calif.

(a) *Area A-1.* Area A-1 is the water area bounded by the San Luis Obispo County wharf, the shoreline, a line drawn from the southernmost point of Fossil Point to latitude 35°10'18.8" N., longitude 120°43'38.5" W.; thence to the southeast corner of the San Luis Obispo County wharf.

(b) *Area A-2.* Area A-2 is the water area enclosed by a line drawn from the outer end of Whaler Island breakwater at latitude 35°09'22" N., longitude 120°44'56" W., to the Mar-

Chimney at latitude 35°10'58" N., longitude 120°44'31" W.

NOTE: The Port San Luis Harbor District prescribes local regulations for mooring and boating activities in these areas.

(CGD 72-24R, 38 FR 1928, Jan. 19, 1973)

§ 110.125 Morro Bay Harbor, Calif.

(a) *Area A-1*. Opposite the City of Morro Bay, beginning 50 feet west of the intersection of the west channel line and the prolongation of the center line of Seventh Street; thence in a generally southeasterly direction and parallel to the channel line for a distance of 450 yards; thence 166° and parallel to the revetment for a distance of 1,025 yards; thence 270° for a distance of 200 yards; thence 346° for a distance of about 1,425 yards to meet the prolongation of the center line of Seventh Street; and thence to the point of beginning.

(b) *Area A-2*. Beginning at a point 322° and 150 feet from the high water line on the most westerly part of Fairbanks Point; thence continuing on this bearing for a distance of 1,346 feet; thence 52° for a distance of 450 feet and thence generally southeasterly parallel to and 150 feet from the mean high water line to the point of beginning.

NOTE: Moorings and boating activities will be allowed in these areas conforming to applicable City of Morro Bay ordinances and regulations adopted pursuant thereto.

§ 110.126 Monterey Harbor, Calif.

The waters of Monterey Harbor between the shoreline and the following coordinates: Beginning at a point on the shoreline at latitude 36°36'27.5" N., longitude 121°53'35.0" W.; thence to latitude 36°36'32.4" N., longitude 121°53'31.0" W., in an easterly direction to latitude 36°36'28.8" N., 121°53'19.0" W.; thence south to latitude 36°36'23.1" N., longitude 121°53'19.0" W.; thence to the north end of Municipal Wharf No. 1 at latitude 36°36'20.0" N., longitude 121°53'28.0" W.

(CGD 82-091, 47 FR 45878, Oct. 14, 1982)

§ 110.126a San Francisco Bay, Calif.

Richardson Bay Anchorage. That portion of Richardson Bay, north of a

line bearing 257° from Peninsula Point to the shore at Sausalito, except for federally-maintained channels, and all channels approved for private use therein.

NOTE: An ordinance of the City of Sausalito requires the City's written consent before any vessel is moored or anchored in the portion of this special anchorage area known as the waters of Dunphy Park.

(CGFR 69-109, 34 FR 17771, Nov. 4, 1969, as amended by CGD 78-126, 45 FR 10760, Feb. 19, 1980)

§ 110.127 Lake Mohave and Lake Mead, Nevada and Arizona.

(a) *Willow Beach, Ariz.* That portion of Lake Mohave enclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 35°52'30" N.	114°39'35" W.
"b" 35°52'10" N.	114°39'35" W.

(b) *Katherine, Ariz.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 35°13'33" N.	114°34'38" W.
"b" 35°13'05" N.	114°34'40" W.

(c) *El Dorado Canyon, Nev.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 50-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 35°42'37" N.	114°42'21" W.
"b" 35°42'03" N.	114°42'10" W.

(d) *Cottonwood Cove, Nev.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway extending northeasterly from the launching ramp, as established by

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the Superintendent Lake Mead Recreation Area:

Latitude	Longitude
"a" 35°29'46" N.	114°40'55" W.
"b" 35°29'33" N.	114°40'45" W.

(e) *Overton Beach, Nev.*—(1) Area "A". That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding two 300-foot-wide fairways, extending northwesterly and southwesterly from the launching ramps, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°27'05" N.	114°21'48" W.
"b" 36°27'15" N.	114°21'20" W.
"c" 36°26'32" N.	114°20'45" W.
"d" 36°25'49" N.	114°20'50" W.
"e" 36°25'00" N.	114°21'27" W.
"f" 36°25'19" N.	114°22'10" W.

(f) *Echo Bay, Nev.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 100-foot-wide fairway, extending southwesterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°18'30" N.	114°25'10" W.
"b" 36°18'20" N.	114°24'00" W.
"c" 36°17'35" N.	114°24'05" W.
"d" 36°17'40" N.	114°24'27" W.

(g) *Callville Bay, Nev.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 200-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°09'00" N.	114°42'40" W.
"b" 36°08'10" N.	114°42'03" W.
"c" 36°08'06" N.	114°42'40" W.

(h) *Las Vegas Wash, Nev.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°07'23" N.	114°49'45" W.

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"b" 36°08'29" N. 114°49'45" W.

(i) *Hemenway Harbor, Nev.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 100-foot-wide fairway, extending easterly from the launching ramp at Boulder Beach and a 600-foot-wide fairway, extending northeasterly from the launching ramp at Hemenway Harbor, both as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°04'05" N.	114°48'15" W.
"b" 36°03'25" N.	114°48'10" W.
"c" 36°01'20" N.	114°45'15" W.

(j) *Kingman Wash, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°02'34" N.	114°42'50" W.
"b" 36°02'05" N.	114°43'05" W.

(k) *Temple Bar, Ariz.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 200-foot-wide fairway, extending southwesterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°02'21" N.	114°19'29" W.
"b" 36°02'34" N.	114°18'40" W.
"c" 36°02'03" N.	114°18'13" W.

(l) *Greggs, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending northerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°00'35" N.	114°13'49" W.
"b" 36°00'35" N.	114°14'10" W.

(m) *Pierce Ferry, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°06'42" N.	113°59'34" W.
"b" 36°07'18" N.	113°58'32" W.

(n) *South Bay, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding one 100-foot wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	Longitude
"a" 36°06'26" N.	114°06'13" W.
"b" 36°05'00" N.	114°06'50" W.
"c" 36°05'00" N.	114°06'13" W.

NOTE: Fixed moorings, piles, or stakes are prohibited. Single and fore-and-aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Lake Mead Recreation Area, National Park Service.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 69-36, 34 FR 6577, Apr. 17, 1969; CGD 79-045, 44 FR 60091, Oct. 18, 1979]

§ 110.127a Lake Powell, Utah-Arizona.

(a) *Castel Butte, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway extending in an east-west direction perpendicular to the launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

Latitude	Longitude
"a" 37°43'45" N.	110°27'00" W.
"b" 37°42'30" N.	110°27'57" W.

(b) *Bullfrog Basin, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

Latitude	Longitude
"a" 37°29'17" N.	110°42'28" W.
"b" 37°28'44" N.	110°43'40" W.

(c) *Halls Crossing, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following

ing points, excluding a 300-foot-wide fairway, extending northwesterly from the launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

Latitude	Longitude
"a" 37°28'24" N.	110°42'57" W.
"b" 37°28'00" N.	110°43'21" W.
"c" 37°27'46" N.	110°43'16" W.

(d) *Dangling Rope Canyon, Utah.* That portion of Dangling Rope Canyon, Lake Powell, enclosed by the shoreline and a line connecting the following points, excluding a 200-foot-wide fairway, extending southerly from the marina, as established by the Superintendent, Glen Canyon National Recreation Area:

Latitude	Longitude
"a" 37°06'48" N.	111°05'00" W.
"b" 37°07'15" N.	111°05'03" W.
"c" 37°07'19" N.	111°04'49" W.
"d" 37°08'08" N.	111°04'00" W.
"e" 37°07'30" N.	111°04'30" W.
"f" 37°07'20" N.	111°04'15" W.

(e) *Wahweap, Arizona-Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway, extending northeasterly from the northerly launching ramp and a 300-foot-wide fairway, extending easterly from the southerly launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

Latitude	Longitude
"a" 37°00'21" N.	111°30'36" W.
"b" 37°00'40" N.	111°30'00" W.
"c" 36°59'10" N.	111°28'48" W.
"d" 36°59'10" N.	111°29'24" W.

NOTE: Fixed moorings, piles, or stakes are prohibited. Single and fore-and-aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Glen Canyon National Recreation Area.

(f) *Hite, Utah.* That portion of Lake Powell enclosed by the shore and by lines connecting the following two sets of points, excluding a 200-foot-wide fairway extending westerly from the launching ramp on the far shore, as established by the Superintendent, Glen Canyon National Recreation Area:

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East Shore

Latitude	Longitude
"a" 37°51'40" N.	110°23'45" W.
"b" 37°51'40" N.	110°24'05" W.
"c" 37°52'30" N.	110°24'00" W.
"d" 37°52'30" N.	110°23'35" W.

North Waah

Latitude	Longitude
"a" 37°52'00" N.	110°24'45" W.
"b" 37°52'40" N.	110°24'45" W.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 11-84-05, 49 FR 47603, Dec. 6, 1984]

§ 110.127b Flaming Gorge Lake, Wyoming-Utah.

(a) *Buckboard Crossing, Wyo.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 150-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Flaming Gorge National Recreation Area:

Latitude	Longitude
"a" 41°14'50" N.	109°35'22" W.
"b" 41°14'37" N.	109°35'12" W.

(b) *Square Hollow, Wyo.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Flaming Gorge National Recreation Area:

Latitude	Longitude
"a" 41°09'55" N.	109°33'18" W.
"b" 41°09'48" N.	109°33'20" W.

(c) *Antelope Flat, Utah.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 150-foot-wide fairway, extending southeasterly from the launching ramp to a point beyond the floating breakwater and then westerly, as established by the Superintendent, Flaming Gorge National Recreation Area:

Latitude	Longitude
"a" 40°57'46" N.	109°33'30" W.
"b" 40°57'37" N.	109°33'37" W.

(d) *Lucerne Valley, Utah.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 300-foot-

wide fairway extending southeasterly from the launching ramp, as established by the Superintendent, Flaming Gorge National Recreation Area:

Latitude	Longitude
"a" 40°59'07" N.	109°34'54" W.
"b" 40°58'54" N.	109°35'00" W.

NOTE: Fixed moorings, piles, or stakes are prohibited. Single and fore-and-aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Flaming Gorge National Recreation Area.

§ 110.127c Trinidad Bay, Calif.

The waters of Trinidad Bay, beginning at the southernmost point of Trinidad Head at latitude 41°03'04" N., longitude 124°08'56" W.; thence east to Prisoner Rock at latitude 41°03'00" N., longitude 124°08'37" W.; thence east to latitude 41°03'09" N., longitude 124°08'19" W.; thence north to latitude 41°03'26" N., longitude 124°08'21" W.; thence following the shoreline to Trinidad Bay in a westerly and southerly direction to the point of beginning.

NOTE: The area will be principally for use by sport and commercial fishing vessels. Temporary floats and buoys for anchoring will be allowed in the area. Fixed moorings, piles or stakes are prohibited. All moorings shall be placed so that no vessel when anchored or moored shall at any time extend beyond the limits of the area. The anchoring of all vessels and placing of all moorings will be under the supervision of the City of Trinidad or such other authority as may be designated by the City Council of the City of Trinidad, California.

[CGD 76-105, 42 FR 37811, July 25, 1977, as amended by CGD 12 86-06, 51 FR 1038, Mar. 25, 1986]

§ 110.128 Columbia River at Portland, Oreg.

The waters of the Columbia River between Sand Island and Government Island, bounded on the west by pile dike U.S. 5.75 and a line extending true north from the northerly end of the dike to the south shore of Sand Island and bounded on the east by a line bearing 339°15' true, from a point on Government Island at latitude 45°35'10", longitude 122°32'41", to the southerly shore of Sand Island.

110.128b Island of Hawaii, Hawaii.

(a) *Hilo Bay*. The waters of Hilo Bay enclosed by a line beginning at 19°43'55" N. latitude, 155°03'30" W. longitude; thence to 19°44'08" N. latitude, 155°04'19" W. longitude; thence to 19°43'51" N. latitude, 155°04'30" W. longitude; thence to 19°44'10" N. latitude, 155°05'29" W. longitude; thence along the shoreline to the beginning point.

(b) *Kuhio Bay*. The waters of Kuhio Bay enclosed by a line beginning at 19°44'13" N. latitude, 155°03'25" W. longitude; thence to 19°44'15" N. latitude, 155°03'25" W. longitude; thence along the shoreline to the beginning point.

(CGD 76-186, 42 FR 62001, Dec. 8, 1977)

110.128c Island of Kauai, Hawaii.

(a) *Nawiliwili Bay*. The waters of Nawiliwili Bay enclosed by a line beginning at 21°57'12.5" N. latitude, 159°21'38" W. longitude; thence to 21°57'26" N. latitude, 159°21'39.5" W. longitude; thence along the shoreline to the beginning point.

(CGD 76-186, 42 FR 62001, Dec. 8, 1977)

110.128d Island of Oahu, Hawaii.

(a) *Kaneohe Bay* (1). The waters of Kaneohe Bay enclosed by a line beginning at 21°26'28" N. latitude, 157°46'00" W. longitude; thence to 21°26'00" N. latitude, 157°46'14" W. longitude; thence to 21°26'20" N. latitude, 157°47'24" W. longitude; thence to 21°27'00" N. latitude, 157°48'25" W. longitude; thence to 21°26'46" N. latitude, 157°48'37" W. longitude; thence along the shoreline to the beginning point.

(b) *Kaneohe Bay* (2). The waters of Kaneohe Bay enclosed by a line beginning at 21°27'28" N. latitude, 157°49'08" W. longitude; thence to 21°28'10" N. latitude, 157°50'03" W. longitude; thence to 21°29'10" N. latitude, 157°50'40" W. longitude; thence to 21°30'46" N. latitude, 157°50'14" W. longitude; thence along the shoreline to the beginning point.

(c) *Keehi Lagoon*. The waters of Keehi Lagoon enclosed by a line beginning at 21°19'04" N. latitude, 157°53'50" W. longitude; thence to 21°19'06" N. latitude, 157°53'44" W. longitude; thence to 21°19'37" N. latitude, 157°54'00" W. longitude; thence to

21°19'35" N. latitude, 157°54'06" W. longitude; thence to the beginning point.

(d) *Sans Souci Beach*. The waters of Sans Souci Beach enclosed by a line beginning at 21°15'49" N. latitude, 157°49'31" W. longitude; thence to 21°15'49.2" N. latitude, 157°49'29" W. longitude; thence to 21°15'56.2" N. latitude, 157°49'31" W. longitude; thence to 21°15'56" N. latitude, 157°49'33" W. longitude; thence to the beginning point.

(e) *Iroquois Point Lagoon*. The waters of Iroquois Point Lagoon enclosed by a line beginning at 21°19'53" N. latitude, 157°58'30" W. longitude; thence to 21°19'56" N. latitude, 157°58'31" W. longitude; thence along the shoreline to the beginning point.

(f) *Hickam AFB Marina* (1). The waters of Hickam AFB Marina enclosed by a line beginning at 21°19'13" N. latitude, 157°57'40" W. longitude; thence to 21°18'45" N. latitude, 157°57'40" W. longitude; thence to 21°18'45" N. latitude, 157°57'28.5" W. longitude; thence to 21°19'10" N. latitude, 157°57'28.5" W. longitude; thence along the shoreline to the beginning point.

(g) *Hickam AFB Marina* (2). The waters of Hickam AFB Marina enclosed by a line beginning at 21°19'11" N. latitude, 157°57'10" W. longitude; thence to 21°18'46.2" N. latitude, 157°57'20" W. longitude; thence to 21°18'46.2" N. latitude, 157°57'05.2" W. longitude; thence along the shoreline to the beginning point.

(h) *Aiea Bay*. The waters of Aiea Bay enclosed by a line beginning at 21°22'20" N. latitude, 157°56'30" W. longitude; thence to 21°22'27" N. latitude, 157°56'40.5" W. longitude; thence to 21°22'30" N. latitude, 157°56'40.5" W. longitude; thence to 21°22'37" N. latitude, 157°56'22.5" W. longitude; thence to 21°22'37" N. latitude, 157°56'19" W. longitude; thence along the shoreline to the beginning point.

(CGD 76-186, 42 FR 62001, Dec. 8, 1977, as amended at 43 FR 21881, May 22, 1978)

§ 110.129a Apra Harbor, Guam.

The waters of Apra Harbor east of a line running from the easternmost corner of Pier C (old seaplane ramp)

and the northwesternmost corner of the Guam Oil and Refining Pier.

(CGD 73-191, 40 FR 1017, Jan. 6, 1975)

Subpart B—Anchorage Grounds

§ 110.130 Rockland Harbor, Maine.

(a) *The anchorage grounds*—(1) *Anchorage A*. Beginning at a point bearing 158°, 1,075 yards, from Rockland Breakwater Light; thence 255°, 2,000 yards, to a point bearing 225° from Rockland Breakwater Light; thence 345°, 700 yards, to a point bearing 244° from Rockland Breakwater Light; thence 75°, 1,200 yards, to a point bearing 222° from Rockland Breakwater Light; and thence 120°, 1,000 yards, to the point of beginning.

(2) *Anchorage B*. Beginning at a point bearing 273°, 400 yards, from Rockland Breakwater Light; thence 273°, 700 yards, to a point bearing 273° from Rockland Breakwater Light; thence 349°, 850 yards, to a point bearing 305° from Rockland Breakwater Light; thence 89°, 700 yards, to a point bearing 328° from Rockland Breakwater Light; and thence 169°, 900 yards, to the point of beginning.

(3) *Anchorage C*. Beginning at a point bearing 244°, 1,715 yards, from Rockland Breakwater Light; thence 260°, 490 yards, to a point bearing 248° from Rockland Breakwater Light; thence 350°, 580 yards, to a point bearing 263° from Rockland Breakwater Light; thence 83°, 480 yards, to a point bearing 263° from Rockland Breakwater Light; and thence 169°, 550 yards, to the point of beginning.

(b) *The regulations*. (1) Anchorages A and B are general anchorages reserved for merchant vessels over 100 feet in length. Anchorage C is reserved for small commercial and pleasure craft.

(2) A distance of approximately 500 yards shall be left between Anchorages A and B for vessels entering or departing from the Port of Rockland. Any vessel not anchoring in these areas shall be ready to move on short notice when ordered to do so by the Captain of the Port.

(3) All other vessels within the Rockland Harbor area are prohibited from anchoring within 300 yards or

operating within 100 feet of any yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or naval armory or depot, warehouse, or freight yard without permission from the Captain of the Port, Rockland, Maine, or authorized representative.

§ 110.131 Kennebec River in vicinity Bath, Maine.

(a) *The anchorage grounds*. Vessels may anchor only within the following limits:

(1) Northward of a line bearing true and extending from a point in Passmore's wharf in prolongation of the north side of Commerce Street, Bath, Maine, to a point on the shore in Woolwich, approximately 1,200 feet north of the Maine Central Railroad wharf.

(2) Southward of a line drawn from the derrick on the Bath Iron Works wharf to Sassanoo Point in Woolwich.

(b) *The regulations*. (1) Vessels in the north anchorage shall be so anchored as to leave a clear fairway of 150 feet channelward of the established harbor lines at Bath, and a clear fairway 200 feet from the east Woolwich shore, for the passage of steamers, tows, rafts, and other watercraft.

(2) The launching of vessels into the waters between the anchorages or the bringing up of such vessels by the anchors will be permitted. Provided That the vessels so launched shall be removed therefrom within 12 hours from the time of anchorage.

§ 110.132 Portland Harbor, Maine.

(a) *The anchorage grounds*—(1) *Anchorage A (general)*. Beginning at latitude 43°39'37"N, longitude 070°14'35"W; thence approximately 090° for 1550 yards to Port Gorge Island Ledge Buoy 4; thence 350° for 300 yards; thence 025° for 780 yards; thence 303° for 750 yards; thence 186° for 580 yards; thence 186° for 100 yards and thence to the point of beginning.

(2) *Anchorage B (general—primarily intended for deep draft vessels)*. Beginning at Port Gorge Island Ledge Buoy 4; thence 062° to Little Diamond

Island; thence along the southwestern shore to the pier on the southern end of Little Diamond Island; 133° for 1200 yards; 270° to House Island Light; thence along the western shore of House Island to Fort Scammel Point Light; thence 325° for 1700 yards to the point of beginning.

(3) *Anchorage C.* Bounded on the northwest by House Island; on the north by a line running 90° from House Island Light to Peak Island; on the east by the western shore of Peak Island, by a line running 198° from the westernmost point on Peak Island to Cushing Island, and by the shore of Cushing Island to its westernmost point; and on the southwest by a line running from the westernmost point on Cushing Island to Fort Scammel Point Light.

(b) *The regulations.* (1) *Anchorage B* is intended for general purposes, but especially for use by oil tankers and other large deep-draft ships entering harbor at night and intending to proceed to the dock allotted at daylight the following morning or as soon as practicable. This area is also to be used for quarantine anchorage. Vessels must be so anchored in this area as to leave at all times an open usable channel at least 100 feet wide for passage of ferry and other boats between Portland, Peak Island, and Bay Points. Any vessels anchored in this area shall be ready to move on short notice when ordered to do so by the Captain of the Port.

(2) *Anchorage C* is intended for use only by small vessels and for temporary anchorage.

(CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 83-1R, 48 FR 56578, Dec. 22, 1983)

§ 119.134 Boston Harbor, Mass.

(a) *The anchorage grounds.* (1) *Bird Island Anchorage.* Beginning at a point bearing 93°, 1,400 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 81°, 1,600 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 102°, 3,100 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 109°, 3,050 yards, from

the aerial beacon on top of the Boston Custom House tower; and thence to the point of beginning.

(2) *President Roads Anchorage.*—(i) *40-foot anchorage.* Beginning at a point bearing 237°, 522 yards from Deer Island Light; thence to a point bearing 254°, 2,280 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; thence to a point bearing 278°, 2,438 yards from Deer Island Light; thence to a point bearing 319°, 933 yards from Deer Island Light; thence to a point bearing 319°, 666 yards from Deer Island Light; and thence to point of beginning.

(ii) *35-foot anchorage.* Beginning at a point bearing 256°, 2,603 yards from Deer Island Light; thence to a point bearing 258°30', 3,315 yards from Deer Island Light; thence to a point bearing 264°, 3,967 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; and thence to point of beginning.

(3) *Long Island Anchorage.* East of Long Island, bounded as follows: Beginning at the southwesternmost point of Gallups Island; thence 270° to Long Island; thence southerly along the eastern shore line of Long Island to Bass Point; thence to the northernmost point of Rainsford Island; thence to Georges Island Gong Buoy 6; and thence to the point of beginning.

(4) *Castle Island Anchorage.* Bounded on the north by Castle Island and adjacent land; on the east by a line between Castle Rocks Fog Signal Light and Old Harbor Shoal Buoy 2; on the southeast by a line between Old Harbor Shoal Buoy 2 and Old Harbor Buoy 4; and on the west by a line running due north from Old Harbor Buoy 4 to the shore line at City Point.

(5) *Explosives anchorage.* In the lower harbor, bounded on the northeast by a line between the northeast end of Peddocks Island and the northeast end of Rainsford Island; on the northwest by Rainsford Island; on the southwest by a line between the western extremity of Rainsford Island and the westernmost point of Peddocks Island; and on the southeast by Peddocks Island.

(b) *The regulations.* (1) The Captain of the Port may authorize the use of

the President Roads Anchorage as an explosives anchorage when he finds that the interests of commerce will be promoted and that safety will not be prejudiced thereby. Vessels anchored in this area shall move promptly upon notification by the Captain of the Port.

(2) In the Long Island Anchorage vessels shall anchor in the position designated by the Captain of the Port.

(3) Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

§ 110.140 Buzzards Bay, Nantucket Sound, and adjacent waters, Mass.

(a) *New Bedford Outer Harbor*—(1) *Anchorage A.* West of Sciticut Neck, and shoreward of a line described as follows: Beginning at a point 100 yards southwest of Fort Phoenix Point; thence 154° along a line which passes 100 yards east of New Bedford Channel Buoys 8, 6, and 4, to a point bearing approximately 130°, 225 yards, from New Bedford Channel Buoy 4; thence 87°, 340 yards; thence 156° along a line approximately one mile to its intersection with a line ranging 87° from the cupola on Clarks Point; thence 87° to Sciticut Neck.

(2) *Anchorage B.* Southeast of a line ranging 222° from the southwest corner of Fort Phoenix to the New Bedford shore; west of a line ranging 154° from Palmer Island Light to Butler Flats Light; and north of a line bearing 267° from Butler Flats Light to the shore.

(b) *Buzzards Bay near entrance to approach channel to Cape Cod Canal*—(1) *Anchorage C.* West of a line parallel to and 850 feet westward from the centerline of Cleveland Ledge Channel; north of a line bearing 129° from the tower on Bird Island; east of a line bearing 25°30' and passing through Bird Island Reef Bell Buoy 13; and south of a line bearing 270° from Wings Neck Light.

(2) *Anchorage D.* Beginning at a point bearing 185°, 1,200 yards, from Hog Island Channel 4 Light; thence 129° to a point bearing 209°, approximately 733 yards, from Wings Neck Light; thence 209° to Southwest Ledge Buoy 10; thence 199° along a line to its

intersection with a line bearing 11° from the tower on Bird Island; thence 309° to a point 850 feet easterly, the angle distance, from the centerline of Cleveland Ledge Channel; thence northeasterly along a line parallel to and 850 feet eastward from the centerline of Cleveland Ledge Channel to its intersection with a line bearing 22°30' from the point of beginning; thence 38°30' to the point of beginning.

(c) *Vineyard and Nantucket Sounds*—(1) *Anchorage E.* South of a line beginning at a point bearing 11° about 3.25 miles from Cuttyhunk Light; thence 85° to a point bearing 180°, 0.625 mile from Nashawena Lighted Whistle Buoy; thence 87° passing 600 yards northerly of Middle Ground Lighted Bell Buoy 23A, to a point bearing 145°, 1.25 miles from Nobaka Point Light; southwest of a line ranging 113° through West Chop Buoy 25 to East Chop Flats Bell Buoy 23; and west of a line bearing 163° between East Chop Flats Bell Buoy 23 and Lone Rock Buoy 1; and northerly of a line bearing 269° between Lone Rock Buoy 1 and a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf.

(2) *Anchorage F.* Southeast of the Elizabeth Islands, north of a line ranging 97°30' from Cuttyhunk Light toward Nashawena Lighted Whistle Buoy to a point 0.375 mile from the buoy; northwest of a line bearing 57°30' from the last-named point to a point opposite the entrance to Wood Hole; and southwest of a line from the shore of Nonamesset Island bearing 114° and ranging through West Chop Light and East Chop Light.

(3) *Anchorage G.* South of a line beginning at a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf bearing 86° to Lone Rock Buoy 1; thence 113° from Lone Rock Buoy 1 to Outer Flats Bell Buoy 17; thence 86° to Cross Rock Lightship; thence 118°30' to Tucker Shoal Bell Buoy 7; thence ranging 149° toward Brant Point Light to the breakwater at Brant Point.

(4) *Anchorage H.* In the vicinity of Squash Meadow shoal, east of a line ranging 163° through Squash Meadow West End Buoy 21; north of lines

allel to and 0.5 mile northerly from lines joining Lone Rock Buoy 1, Outer Flats Bell Buoy 17, and Cross Rip Lightship; and south of a line ranging 97° from East Chop Light toward Cross Rip Lightship.

(5) *Anchorage I.* Northerly of a line ranging 109° from Nobska Point Light toward Hedge Fence Lighted Horn and Gong Buoy 16, and of a line ranging 97°30' through Hedge Fence East End Buoy to Halfmoon Shoal Lighted Bell Buoy 12, thence 73° to Handkerchief Shoal Buoy 16, and thence to the westernmost point of Monomoy Island.

(6) *Anchorage J.* East of a line bearing 329°, parallel to and 0.875 mile northeasterly of a line running from Brant Point Light through Tucker-nuck Shoal Bell Buoy 7, from Coatue Beach to a point 1.25 miles southeasterly from a line between Halfmoon Shoal Lighted Bell Buoy 12 and Handkerchief Shoal Buoy 16; thence 73°, parallel to and 1.25 miles southeasterly from a line running from Halfmoon Shoal Lighted Bell Buoy 12 through Handkerchief Shoal Buoy 16, to a point bearing 215° from Stone Horse North End Lighted Bell Buoy 9; thence 35° to Stone Horse North End Lighted Bell Buoy 9; thence 70° to a point bearing 207° from Pollock Rip Lightship; and thence 27° through, and to a point 5.0 miles northeasterly from, Pollock Rip Lightship.

(7) *Anchorage K.* North of a line tangent to the southeasterly edge of Monomoy Point and extending to Bearse Shoal North End Buoy 2A and west of a line bearing 7° from Bearse Shoal North End Buoy 2A to Chatham Bar Buoy 2.

(d) *The regulations.* (1) Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

(2) Except in cases of great emergency, no vessels shall be anchored in New Bedford Outer Harbor, Buzzards Bay near the entrance to the approach channel to Cape Cod Canal, or Vineyard and Nantucket Sounds, outside of the anchorage areas defined in paragraphs (a) to (c) of this section.

(3) Anchors must not be placed outside the anchorage areas, nor shall

any vessel be so anchored that any portion of the hull or rigging will at any time extend outside the boundaries of the anchorage area.

(4) Any vessel anchoring under the circumstances of great emergency outside any anchorage area must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification by an officer of the Coast Guard.

(5) A vessel upon being notified to move into the anchorage limits or to shift its position in anchorage grounds must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(6) Whenever the maritime or commercial interests of the United States so require, any officer of the Coast Guard is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(7) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

§ 110.142 Nantucket Harbor, Mass.

(a) *The anchorage grounds.* In the Nantucket Harbor, beginning at a point 210 yards, 90°, from Brant Point Light; thence easterly to latitude 41°17'23", longitude 70°05'14.5"; thence southerly to latitude 41°17'03", longitude 70°05'14.5"; thence southwesterly to latitude 41°16'54", longitude 70°05'23"; thence northwesterly to latitude 41°16'55", longitude 70°05'31"; thence northeasterly to latitude 41°17'07.5", longitude 70°05'27"; thence northeasterly to the point of beginning.

(b) *The regulations.* The anchorage is for the use of commercial and pleasure craft. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels including the placing of anchors and moorings is subject to the supervision and approval of the local harbor master.

§ 110.145 Narragansett Bay, R.I.

(a) *East Passage.*—(1) *Anchorage A.* East of Conanicut Island, beginning at the easterly extremity of the Dumpplings; extending 9° to a point at latitude 41°29'28", longitude 71°21'05.5"; thence 356° for 5,350 feet; thence 24° for 5,700 feet; thence 12° for 1,100 feet; thence 311°30' for 2,300 feet; thence 351° for 5,350 feet; thence 270° for 3,200 feet to the easterly side of Conanicut Island; thence generally along the easterly side of the island to a point on the easterly side of the island due west of the Dumpplings; and thence due east to the point of beginning; excluding the approach of the Jamestown Ferry, a zone 900 feet wide to the southward of a line ranging 103° from a point, 300 feet north of the existing ferry landing toward the spire of Trinity Church, Newport.

(i) That portion of the area to the northward of the approach of the Jamestown Ferry shall be restricted for the anchorage of vessels of the U.S. Navy. In that portion of the area to the southward of the approach of the Jamestown Ferry, the requirements of the Navy shall predominate.

(ii) Temporary floats or buoys for marking anchors or moorings in place shall be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2) *Anchorage B.* Off the west shore of Aquidneck Island to north of Coggeshall Point, northerly of a line ranging 075° from a point on the easterly end of Gould Island, latitude 41°32'13", longitude 71°20'40.5", toward the shore of Aquidneck Island; east of a line ranging 019° from the easternmost of the Dumpplings to latitude 41°36'16", longitude 71°17'48"; thence northeast to latitude 41°36'53", longitude 71°17'07.5"; thence east to latitude 41°36'53", longitude 71°16'40"; thence

southwesterly to latitude 41°35' longitude 71°17'17.5"; thence southeasterly to the shore at the easterly end of the north boundary of the cable area in the vicinity of Coggeshall Point; excluding the cable area in the vicinity of Coggeshall Point.

(i) *Anchorage B-1.* Off the southern end of Prudence Island beginning at a point at latitude 41°34'08.9", longitude 71°19'25.8"; thence 19° for 1,900 feet; thence 289° for 1,900 feet; thence 19° for 1,900 feet; thence 109° for 1,900 feet to the point of beginning.

(a) In this area the requirements of the Navy shall predominate.

(b) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(i) *Anchorage X-1. Naval explosives and ammunition handling anchorage.* The waters of Narragansett Bay northeasterly of Gould Island within a circle having a radius of 500 yards with its center at latitude 41°33'12" longitude 71°20'03".

(a) This area will be used for anchoring naval vessels carrying or transferring ammunition or explosives under standard military restrictions as established by the Safety Manual, Armed Services Explosive Board. Explosives or dangerous materials include inflammable liquid or inflammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous substances.

(b) No vessel shall anchor within 50 yards of the explosive anchorage area when occupied by vessels carrying explosives.

(c) No more than 2,000 tons of High Explosives limit will be handled in the anchorage area.

(d) No vessel shall be so anchored in the anchorage that it will at any time extend beyond the limits of the area.

(e) Naval vessels anchoring in the area will display the proper signals and will be under the supervision of the Commander, U.S. Naval Base, Newport, Rhode Island.

(3) *Anchorage C.*

(i) [Reserved]

(ii) West of Coasters Harbor Island west of a line bearing 351° from Tracey Ledge Buoy 5 through Seven

teen-foot Spot Buoy northeast of Gull Rocks; south of a line bearing 292° from the cupola at the Naval War College; east of a line ranging 19° from the easternmost of The Dumplings toward Dyer Island North Point Shoal Lighted Bell Buoy 12A; and north of latitude 41°30'22" which parallel passes through a point 230 yards north of Rose Island Shoal Northeast End Buoy 8.

(iii) In this area the requirements of the Navy shall predominate.

(iv) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage D.* West of Goat Island, south of a line bearing 247° from Newport Harbor Light; east of a line bearing 176°30' from the northwesterly end of Rose Island; north of a line bearing 117° from the northerly end of the ferry slip at Jamestown to longitude 71°20' and west of a line running north and south along longitude 71°20'.

(i) In this area the requirements of the Navy shall predominate from May 1 to October 1, subject at all times to such adjustments as may be necessary to accommodate all classes of vessels which may require anchorage room.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(5) *Anchorage E.* South of Coasters Harbor Island, east of a line bearing 341° from the outer end of Briggs Wharf to the southwestern shore of Coasters Harbor Island near the War College Building; and north of a line ranging 265° from the flagstaff at Fort Greene toward Rose Island Light.

(i) In this area the requirements of the naval service will predominate from May 1 to October 1, but will at all times be subject to such adjustment as may be necessary to accommodate all classes of vessels that may require anchorage room.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(b) *West Passage*—(1) *Anchorage H.* North of a line 1,000 yards long bearing 88° from Bonnet Point; west of a line bearing 3° from the eastern end of the last-described line; and south of a line ranging 302° through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2) *Anchorage I.* North of a line 1,000 yards long bearing 88° from Bonnet Point to the shore at Austin Hollow; east of a line bearing 183° from Dutch Island Light; and south of a line ranging 302° through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(3) *Anchorage J.* At Saunderstown, south of a line ranging 110° from the south side of the ferry wharf toward the cable crossing sign on Dutch Island; west of a line ranging 192° from Plum Beach Shoal Buoy 1 PB toward the east shore of The Bonnet; and north of a line from the shore ranging 108° toward Dutch Island Light and the north end of the wharf at Beaver Head.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage K.* In the central and southern portion of Dutch Island Harbor, north of a line ranging 106° from Beaver Head Point Shoal Buoy 2 toward the Jamestown standpipe; east of a line ranging 14° from Beaver Head Point Shoal Buoy 2 toward the inshore end of the engineer wharf, Dutch Island; southeast of a line ranging 50° from Dutch Island Light toward the windmill north of Jamestown; and south of a line parallel to and 100 yards southwesterly from a line ranging 132° from the engineer

wharf, Dutch Island, and the west ferry wharf, Jamestown.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(5) *Anchorage L.* North of a line ranging 101' from a point on shore 300 yards northerly of the Saunderstown ferry wharf toward the entrance to Round Swamp, Conanicut Island; west of a line bearing 15° parallel to and 1,000 feet westerly from a line joining the western point of Dutch Island and Twenty-three Foot Rock Buoy 4, and a line ranging 6' from Dutch Island Light toward Warwick Light; and south of a line ranging 290' from Sand Point, Conanicut Island, to Wickford Harbor Light, and a line bearing 226° from Wickford Harbor Light to Poplar Point tower.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(6) *Anchorage M.* East and north of Dutch Island, northeast of a line ranging 316' from the inshore end of the west ferry wharf, Jamestown, toward the north end of Dutch Island to a point bearing 88°, 200 yards, from the engineer wharf, Dutch Island, thence ranging 3' toward the shore of Conanicut Island at Slocum Ledge; north of a line 200 yards off the Dutch Island shore ranging 281' from the entrance to Round Swamp toward a point on shore 300 yards northerly from the Saunderstown ferry wharf; east of a line ranging 15' from the western point of Dutch Island to Twenty-three Foot Rock Buoy 4; and south of a line bearing 77° from Twenty-three Foot Rock Buoy 4 to the shore.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(7) *Anchorage N.* West of the north end of Conanicut Island, south of a line bearing 262° from Conanicut Island Light; east of a line bearing 8° from Twenty-three Foot Rock Buoy 4; and north of a line ranging 290' from

Sand Point toward Wickford Harbor Light.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(c) *Bristol Harbor*—(1) *Anchorage* South of the south line of Franklin Street extended westerly; west of line bearing 164°30' parallel to and 400 feet westerly from the State harbor line between Franklin and Constitution Streets, and of a line ranging 344' from a point on the north line of Constitution Street extended 400 feet beyond the State harbor line toward Usher Rock Buoy 3; and north of the north line of Union Street extended to the Popasquash Neck shore.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(d) *The regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the entrances to Narragansett Bay, in Newport Harbor, or in Bristol Harbor, outside of the anchorage areas defined in paragraphs (a), (b) and (c) of this section.

(2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(3) Any vessel anchoring under the circumstances of great emergency outside the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier, nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by an officer of the Coast Guard.

(4) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(5) Whenever the maritime or commercial interests of the United States

no require, any officer of the Coast Guard is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(f) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

(CGPFR 67-46, 32 FR 17728, Dec. 12, 1967)

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 110.145, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 110.147 New London Harbor, Conn.

(a) *The anchorage grounds*—(1) *Anchorage A.* In the Thames River east of Shaw Cove, bounded by lines connecting points which are the following bearings and distances from Monument, Groton (latitude 41°21'18" N., longitude 72°04'48" W.): 243°, 1,400 yards; 246°, 925 yards; 217°, 1,380 yards; and 235°, 1,450 yards.

(2) *Anchorage B.* In the Thames River southward of New London, bounded by lines connecting points which are the following bearings and distances from New London Harbor Light (latitude 41°18'59" N., longitude 72°05'25" W.): 002°, 2,460 yards; 009°, 1,480 yards; 026°, 1,175 yards; and 008°, 1,075 yards.

(3) *Anchorage C.* In the Thames River southward of New London Harbor, bounded by lines connecting a point bearing 100°, 450 yards from New London Harbor Light, a point bearing 270°, 575 yards from New London Ledge Light (latitude 41°18'21" N., longitude 72°04'41" W.), and a point bearing 270°, 1,450 yards from New London Ledge Light.

(4) *Anchorage D.* In Long Island Sound approximately two miles west-southwest of New London Ledge Light, bounded by lines connecting points which are the following bearings and distances from New London

Ledge Light: 246°, 2.6 miles; 247°, 2.1 miles; 233°, 2.1 miles; and 235°, 2.6 miles.

(5) *Anchorage E.* The waters at the mouth of New London Harbor one mile southeast of New London Ledge Light beginning at latitude 41°17'26" N., longitude 72°04'21" W.; thence northeasterly to latitude 41°17'38" N., longitude 72°03'54" W.; thence southeasterly to latitude 41°16'50" N., longitude 72°03'16" W.; and thence southwesterly to latitude 41°16'38" N., longitude 72°03'43" W.; and thence northwesterly to the point of beginning.

(6) *Anchorage F.* The waters off the mouth of New London Harbor two miles southeast of New London Ledge Light beginning at latitude 41°16'00" N., longitude 72°03'13" W.; thence westerly to latitude 41°16'00" N., longitude 72°03'38" W.; thence northerly to latitude 41°16'35" N., longitude 72°03'38" W.; thence easterly to latitude 41°16'35" N., longitude 72°03'13" W.; and thence southerly to the point of beginning.

(b) *The regulations*—(1) *Anchorage A* is for barges and small vessels drawing less than 12 feet.

(2) *Anchorage F* is reserved for the use of naval vessels and, except in cases of emergency, no other vessel may anchor in Anchorage F without permission from the Captain of the Port, New London, CT.

(3) Except in emergencies, vessels shall not anchor in New London Harbor or the approaches thereto outside the anchorages defined in paragraph (a) of this section unless authorized to do so by the Captain of the Port.

(CGD3-80-4A, 46 FR 48193, Oct. 1, 1981, as amended by CGD3 85-56, 51 FR 32318, Sept. 11, 1986)

§ 110.148 Johnsons River at Bridgeport, Conn.

(a) *The anchorage grounds.* In Johnsons River, beginning at a point "A" latitude 41°10'12.3", longitude 73°09'50.2"; thence westerly to a point "B" latitude 41°10'12.3", longitude 73°09'52.1"; thence southwesterly to point "C" latitude 41°10'10", longitude 73°09'54.9"; thence south southwesterly to point "D" latitude 41°10'05", lon-

gitude 73°09'56.1"; thence southeasterly to point "E" latitude 41°10'04", longitude 73°09'55.9"; thence northeasterly to point "F" latitude 41°10'05", longitude 73°09'54.5"; thence northerly to point "G" latitude 41°10'05.8", longitude 73°09'54.5"; thence northeasterly to the point of beginning.

(b) *The regulations.* The anchorage is for use by commercial and pleasure craft. Temporary floats or buoys for marking anchors or moorings will be allowed. The anchoring of vessels and placing of temporary anchors or mooring piles are under the jurisdiction of the local harbor master. Fixed mooring piles or stakes will not be allowed.

§ 110.150 Block Island Sound, N.Y.

(a) *The anchorage ground.* A $\frac{3}{4}$ - by 2-mile rectangular area approximately 3 miles east-northeast of Gardiners Island with the following coordinates: latitude 41°06'12" N., longitude 72°00'05" W.; latitude 41°07'40" N., longitude 72°01'54" W.; latitude 41°08'12" N., longitude 72°01'10" W.; latitude 41°06'46" N., longitude 71°59'18" W.

(b) *The regulations.* This anchorage ground is for use of U.S. Navy submarines. No vessel or person may approach or remain within 500 yards of a U.S. Navy submarine anchored in this anchorage ground.

[CGFR 70-114A, 36 FR 5604, Mar. 25, 1971]

§ 110.155 Port of New York.

(a) *Long Island Sound*—(1) *Anchorage No. 1.* Southwest of a line between Neptune Island and Glen Island ranging from Aunt Phebe Rock Light and tangent to the north edge of Glen Island; southwest of a line tangent to the northeast edge of Glen Island and Goose Island breakwater; southwest of a line bearing southeasterly from the southwest end of Goose Island breakwater and on range with the south gable of the Casino on the northeast end of Glen Island; west of a line ranging from the east edge of Goose Island breakwater to the west edge of the north end of Hart Island; west of Hart Island; and northwest of a line extending from Hart Island Light to Locust Point; excluding from this area, however, (i) the waters northeast of a line ranging 303' from the southwest end of Hart Island; northwest of a line

ranging from the water tank at north end of Davids Island 207' to the northwest end of City Island south of latitude 40°52'12"; and (ii) waters west of Hunter Island; south of a line ranging from the southerly end of Glen Island tangent to the most northerly end of Hunter Island.

(i) Boats shall not anchor in area in buoyed channels.

(ii) Boats shall be so anchored as to leave at all times an open, unobstructed channel, at least 50 feet wide, west of south of Glen Island.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(2) *Anchorage No. 1-A.* Southwest of a line ranging from Duck Point, Bay, through Bailey Rock Light Buoy 3 BR; northwest of a line ranging from Hicks Ledge Buoy 2H to Old Tom Head Rocks Buoy 4; and north of a line ranging from Old Tom Head Rocks Buoy 4 to the southern point of Davenport Neck.

NOTE: The special anchorage area in this anchorage is described in § 110.60(b-1).

(3) *Anchorage No. 1-B.* West of a line ranging from the point on the south west side of the entrance to Hornum Harbor, Larchmont, to Hicks Ledge Buoy 2H; north of a line ranging from Hicks Ledge Buoy 2H to Duck Point and in Echo Bay north and west of the channel.

NOTE: The special anchorage area in this anchorage is described in § 110.60(b-1).

(4) *Anchorage No. 2.* West of a line from Locust Point tangent to the northeasterly sea wall at Throgs Neck.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(5) *Anchorage No. 3.* Northeast of a line from the south side of Bank Point to Gangway Rock Bell Buoy; southeast of a line from Gangway Rock Bell Buoy 27 to Sands Point Reef Lighted Buoy 25; and southwest of a line from Sands Point Reef Lighted Buoy 25 through Sands Point Light to Sands Point.

(6) *Anchorage No. 4.* Manhattan Bay, excluding the seaplane restricted area described in § 207.35; and the

portion of Long Island Sound north-east of a line ranging from Stepping Stones Light through Elm Point Buoy 2 to Elm Point; southeast of a line ranging from Stepping Stones Light to Gangway Rock Bell Buoy 27; and southwest of Anchorage No. 3.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(7) *Anchorage No. 5.* In Little Neck Bay; and east of a line ranging from Port Totten flagpole to Hart Island Light; and south of Anchorage No. 4.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(b) *East River—(1) Anchorage No. 6.* On Hammond Flats north of a line bearing 260° from the head of the pier on Throgs Neck at the foot of Pennyfield Avenue to the north tower of Bronx-Whitestone Bridge at Old Ferry Point.

(2) *Anchorage No. 7.* South of a line from Whitestone Point to the outer end of Willets Point Wharf.

(3) *Anchorage No. 8.* North of a line bearing 259° between the north tower of the Bronx-Whitestone Bridge at Old Ferry Point and a point at latitude 40°47'57", longitude 73°52'16"; thence east of a line bearing 0° to latitude 40°48'06"; thence southeast of a line parallel to the bulkhead extending northeasterly to latitude 40°48'20"; thence north of a line bearing 296° to shore.

(4) *Anchorage No. 9.* East of a line from College Point Reef Light tangent to the west side of College Point; and south of a line from College Point Reef Light to Whitestone Point.

(5) *Anchorage No. 10.* An area in Flushing Bay, beginning at a point on shore at La Guardia Airport at latitude 40°46'49", longitude 73°52'21"; thence to latitude 40°47'20", longitude 73°51'55"; and thence to a point on shore at College Point at latitude 40°47'38", longitude 73°51'15"; and an area on the west side of Bowery Bay, beginning at a point on shore at latitude 40°46'58", longitude 73°53'46"; thence to latitude 40°47'03", longitude 73°53'39"; thence to latitude 40°47'00", longitude 73°53'31"; thence to latitude 40°46'55", longitude 73°53'32"; and thence to a point on shore at latitude 40°46'49", longitude 73°53'39".

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(6) *Anchorage No. 11.* An area in East River beginning at a point on a pierhead at latitude 40°47'55", longitude 73°53'19.5"; thence to latitude 40°47'40", longitude 73°51'58"; and thence to a point on shore at latitude 40°47'16", longitude 73°52'15".

(7) [Reserved]

(8) *Anchorage No. 14.* In Halletts Cove, east of a line from a point on shore 100 feet west of the southerly prolongation of 2d Street, Astoria, to Gibbs Point.

(c) *Hudson River—(1) Anchorage No. 16.* North of a line on a range with the north side of the north pier of the Union Dry Dock and Repair Company Shipyard, Edgewater, New Jersey; west of a line ranging 25° from a point 120 yards east of the east end of said pier to a point (500 yards from the shore and 915 yards from the Fort Lee flagpole) on a line ranging approximately 100°22' from the Fort Lee flagpole toward the square chimney on the Medical Center Building at 168th Street, Manhattan; and south of said line ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building.

(i) When the use of Anchorage No. 16 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(2) *Anchorage No. 17.* North of a line bearing 66° from shore to a point at latitude 40°51'34", longitude 73°56'54"; thence west of a line bearing 29° to latitude 40°52'27", longitude 73°56'16"; thence 20° to latitude 40°54'17", longitude 73°55'23"; thence 15° to latitude 40°56'20", longitude 73°54'39"; thence south of a line bearing 284° to shore.

(i) When the use of Anchorage No. 17 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(3) *Anchorage No. 18-A.* East of lines bearing 8° from the northwest corner of the crib icebreaker north of the New York Central Railroad Company drawbridge across Spuyten Duyvil Creek (Harlem River) to a point 250 yards offshore and on line with the New York Central Railroad signal bridge at the foot of West 231st

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Street, extended, at Spuyten Duyvil, Bronx, New York; thence bearing 19° to the channelward face of the Mount St. Vincent Dock at the foot of West 261st Street, Riverdale, Bronx, New York.

(i) When the use of Anchorage No. 18-A is required by naval vessels the vessels anchored therein shall move when the Captain of the Port directs them.

(4) *Anchorage No. 18-B.* North of the south side of West 181st Street, prolonged; east of a line ranging 28° from the northwest corner of the east tower of George Washington Bridge and tangent to the east shore of the river at Inwood Hill Park; and south of the prolongation of the south side of Dyckman Street, Manhattan, New York, where it passes beneath the tracks of the New York Central Railroad.

(i) When the use of Anchorage 18-B is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(5) *Anchorage No. 19.* An area located east of the Weehawken-Edgewater Channel beginning at a point on the Manhattan shoreline at latitude 40°46'47.8" N., longitude 73°59'22.3" W.; thence to latitude 40°46'59.8" N., longitude 73°59'52.8" W.; thence to latitude 40°47'42.5" N., longitude 73°59'18" W.; thence to latitude 40°48'27" N., longitude 73°58'45.5" W.; thence to latitude 40°49'28" N., longitude 73°58'06.2" W.; thence to latitude 40°50'15.5" N., longitude 73°57'18" W.; thence to latitude 40°51'02.3" N., longitude 73°56'59" W.; thence to a point on the Manhattan shoreline at latitude 40°51'00.8" N., longitude 73°56'51" W.; thence following the shoreline to the point of beginning.

(i) No vessel may anchor in Anchorage No. 19 without permission from the Captain of the Port.

(ii) Each vessel shall report its position within Anchorage No. 19 to the Captain of the Port immediately after anchoring.

(iii) No vessel may conduct lighterage operations in Anchorage No. 19 without permission from the Captain of the Port.

(iv) When the use of Anchorage No. 19 is required by naval vessels, the ves-

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sels anchored therein shall move when the Captain of the Port directs them.

(v) No vessel over 800 feet, in length overall, or 40 feet in draft may anchor in Anchorage No. 19 unless it notifies the Captain of the Port at least 4 hours before it arrives in New York Harbor.

(d) *Upper Bay*—(1) *Anchorage No. 20-A.* That area enclosed by coordinates starting at 40°42'02.5" N., 74°02'25.5" W.; to 40°42'06.5" N., 74°02'19.5" W.; to 40°42'05.0" N., 74°01'58.4" W.; to 40°41'54.5" N., 74°01'59.2" W.; thence to 40°41'53.0" N., 74°02'23.0" W.

(i) See 33 CFR 110.155 (d)(6), (d)(10) and (1).

(2) *Anchorage No. 20-B.* That area enclosed by coordinates starting at 40°41'47.0" N., 74°02'31.5" W.; to 40°41'42.0" N., 74°01'02.0" W.; to 40°41'35.3" N., 74°02'04.2" W.; to 40°41'29.9" N., 74°02'07.8" W.; to 40°41'42.6" N., 74°02'32.7" W.; thence back to 40°41'47.0" N., 74°02'31.5" W.

(i) See 33 CFR 110.155 (d)(6), (d)(10) and (1).

(3) *Anchorage No. 20-C.* That area enclosed by coordinates starting at 40°41'42.0" N., 74°02'43.0" W.; to 40°41'25.4" N., 74°02'10.7" W.; to 40°41'01.7" N., 74°02'26.2" W.; to 40°41'09.0" N., 74°02'41.5" W.; to 40°41'20.0" N., 74°02'59.2" W.; thence back to 40°41'42.0" N., 74°02'43.0" W.

(i) See 33 CFR 110.155 (d)(6), (d)(10) and (1).

(4) *Anchorage No. 20-D.* That area enclosed by coordinates starting at 40°41'09.5" N., 74°02'49.5" W.; to 40°40'59.2" N., 74°02'27.9" W.; to 40°40'44.5" N., 74°02'37.5" W.; to 40°40'42.7" N., 74°03'07.6" W.; thence back to 40°41'09.5" N., 74°02'49.5" W.

(i) See 33 CFR 110.155 (d)(6), (d)(10) and (1).

(5) *Anchorage No. 20-E.* That area enclosed by coordinates starting at 40°40'38.2" N., 74°02'59.6" W.; to 40°40'39.4" N., 74°02'40.9" W.; to 40°40'09.2" N., 74°03'00.7" W.; to 40°40'24.4" N., 74°03'24.6" W.; thence back to 40°40'38.2" N., 74°02'59.6" W.

(i) See 33 CFR 110.155 (d)(6), (d)(10) and (1).

(6) No vessel may occupy this anchorage for a period of time in excess

of 72 hours without the prior approval of the Captain of the Port.

(7) *Anchorage No. 20-F.* That area enclosed by coordinates starting at 40°40'12.1" N., 74°03'41.6" W.; to 40°39'53.7" N., 74°03'10.8" W.; to 40°39'34.7" N., 74°03'23.3" W.; to 40°39'49.9" N., 74°03'57.8" W.; thence back to 40°40'12.1" N., 74°03'41.6" W.

(i) See 33 CFR 110.155 (d)(9), (d)(16), and (l).

(8) *Anchorage No. 20-G.* That area enclosed by coordinates starting at 40°39'30.1" N., 74°04'08.0" W.; to 40°39'32.0" N., 74°03'53.5" W.; to 40°39'27.5" N., 74°03'42.5" W.; to 40°39'13.0" N., 74°03'51.0" W.; to 40°39'09.5" N., 74°04'23.1" W.; thence back to 40°39'30.1" N., 74°04'08.0" W.

(i) See 33 CFR 110.155 (d)(9), (d)(16), and (l).

(9) This anchorage is designated a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this anchorage, ordinarily not more than 24 hours, when the anchorage will not be needed for naval vessels. Upon notification of an anticipated naval arrival, any commercial vessel so anchored must relocate at its own expense.

(10) *Anchorage No. 21-A.* That area enclosed by coordinates starting at 40°40'22.5" N., 74°01'35.2" W.; to 40°40'20.5" N., 74°01'27.7" W.; to 40°39'48.9" N., 74°01'22.4" W.; to 40°38'54.7" N., 74°02'18.9" W.; to 40°39'03.0" N., 74°02'26.3" W.; thence back to 40°40'22.5" N., 74°01'35.2" W.

(i) See 33 CFR 110.155 (d)(16) and (l).

(11) *Anchorage No. 21-B.* That area enclosed by coordinates starting at 40°40'23.8" N., 74°02'10.9" W.; to 40°40'26.2" N., 74°01'49.5" W.; to 40°40'22.5" N., 74°01'35.2" W.; to 40°39'03.0" N., 74°02'26.3" W.; to 40°38'54.7" N., 74°02'18.9" W.; to 40°38'43.7" N., 74°02'30.3" W.; to 40°39'19.3" N., 74°03'03.3" W.; to 40°39'22.3" N., 74°03'02.4" W.; to 40°40'18.6" N., 74°02'25.5" W.; thence back to 40°40'23.8" N., 74°02'10.9" W.

(i) See 33 CFR 110.155 (d)(16) and (l).

(ii) No vessel with a draft of 10 feet (3.048 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(12) *Anchorage No. 21-C.* That area enclosed by coordinates starting at 40°39'19.3" N., 74°03'03.3" W.; to 40°38'43.7" N., 74°02'30.3" W.; to 40°38'41.6" N., 74°02'32.5" W.; to 40°38'03.0" N., 74°02'48.7" W.; to 40°38'03.0" N., 74°03'03.5" W.; to 40°38'38.4" N., 74°03'15.5" W.; thence back to 40°39'19.3" N., 74°03'03.3" W.

(i) See 33 CFR 110.155 (d)(16) and (l).

(ii) No vessel with a draft of 33 feet (10.0584 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(13) *Anchorage No. 23-A.* That area enclosed by coordinates starting at 40°38'36.5" N., 74°04'13.5" W.; to 40°38'37.0" N., 74°03'49.0" W.; to 40°38'23.4" N., 74°03'37.2" W.; to 40°37'49.5" N., 74°03'25.7" W.; to 40°37'49.5" N., 74°04'07.0" W.; thence back to 40°38'36.5" N., 74°04'13.5" W.

(i) See 33 CFR 110.155 (d)(16) and (l).

(ii) No vessel may occupy this anchorage for a period of time in excess of 48 hours without the prior approval of the Captain of the Port.

(iii) No vessel with a length overall in excess of 670 feet (204.216 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(iv) No vessel with a draft of 40 feet (12.192 meters) or more may occupy this anchorage without the prior approval of the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows.

(14) *Anchorage No. 23-B.* That area enclosed by coordinates starting at 40°37'49.5" N., 74°04'07.0" W.; to 40°37'49.5" N., 74°03'25.7" W.; to 40°37'27.0" N., 74°03'18.1" W.; to 40°37'23.0" N., 74°03'59.0" W.; to 40°37'30.5" N., 74°04'04.4" W.; thence back to 40°37'49.5" N., 74°04'07.0" W.

(i) See 33 CFR 110.155(d)(13) (ii) and (iv), (d)(16), and (l).

(ii) No vessel with a length overall of 670 feet (204.216 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(15) *Anchorage No. 24.* That area enclosed by coordinates starting at 40°37'23.0" N., 74°03'59.0" W.; to 40°37'27.0" N., 74°03'18.1" W.; to

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40°36'40.1" N., 74°03'02.2" W.; to 40°36'25.5" N., 74°02'56.4" W.; to 40°36'21.0" N., 74°03'11.0" W.; to 40°36'25.0" N., 74°03'17.5" W.; thence back to 40°37'23.0" N., 74°03'59.0" W.

(i) See 33 CFR 110.155(d)(13) (ii) and (iv), (d)(16), and (l).

(ii) No vessel with a length overall of less than 800 feet (243.84 meters), or with a draft of less than 40 feet (12.192 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(16) Any vessel anchored in or intending to anchor in Federal Anchorage 20-A through 20-G, 21-A through 21-C, 23-A and 23-B, 24 or 25 must comply with the following requirements:

(i) No vessel may anchor unless it notifies the Captain of the Port when it anchors, of the vessel's name, length, draft, and its position in the anchorage.

(ii) Each vessel anchored must notify the Captain of the Port when it weighs anchor.

(iii) No vessel may conduct lightering operations unless it notifies the Captain of the Port before it begins lightering operations.

(iv) Each vessel lightering must notify the Captain of the Port at the termination of lightering.

(v) No vessel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(vi) If any vessel is so close to another that a collision is probable, each vessel must communicate with the other vessel and the Captain of the Port on Channel 16 FM and shall act to eliminate the close proximity situation.

(vii) No vessel may anchor unless it maintains the capability to get underway within 30 minutes except with prior approval of the Captain of the Port.

(viii) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port.

(ix) Each vessel in a "dead ship" status must engage an adequate number of tugs alongside during tide changes. A tug alongside may assume

the Channel 16 FM radio guard of the vessel after it notifies the Captain of the Port.

(x) No vessel may lighter in a "dead ship" status without prior approval from the Captain of the Port.

(e) *Lower Bay*—(1) *Anchorage No. 25*. That area enclosed by coordinates starting at 40°35'58.2" N., 74°02'18.4" W.; to 40°36'12.0" N., 74°01'29.0" W.; to 40°36'03.0" N., 74°00'52.5" W.; to 40°34'57.5" N., 74°00'25.0" W.; to 40°34'40.0" N., 74°01'03.0" W.; to 40°34'53.0" N., 74°01'56.1" W.; to 40°35'23.9" N., 74°02'04.8" W.; thence back to 40°35'58.2" N., 74°02'18.4" W.

(i) See 33 CFR 110.155(d)(16) and (l). (ii) When the use of this anchorage is required by naval vessels, any commercial vessels anchored therein must move when directed by the Captain of the Port.

(f) *Lower Bay*—(1) *Anchorage No. 26*. In Sandy Hook Bay south of a line extending from Point Comfort to Sandy Hook Point Light.

NOTE: Anchorages Nos. 49-F and 49-G in this area are reserved for vessels carrying explosives (see paragraph (m) (4) and (5) of this section) and are excluded from use as general anchorages.

(i) Pleasure or commercial craft may not navigate or moor within 750 yards of the Naval Ammunition Depot Pier at Leonardo, New Jersey, nor anchor in the approach channel or the turning basin adjacent thereto.

(ii) When immediate action is required and representatives of the Coast Guard are not present in sufficient force to exercise effective control of shipping, the Commanding Officer of the Naval Ammunition Depot at Earle, New Jersey, may control the anchorage or movement of any vessel foreign or domestic, to the extent he deems necessary to insure the safety and security of his command.

(2) *Anchorage No. 27*—(i) *Atlantic Ocean*. Beginning at Sandy Hook Light 15 to latitude 40°28'52", longitude 74°00'03"; thence to latitude 40°28'41", longitude 73°58'54"; thence to latitude 40°25'58", longitude 73°55'00"; thence 180° to latitude 40°23'46", thence 270° toward Highland Light and Sandy Hook shore; thence

following the easterly shoreline of Sandy Hook to the point of beginning.

(ii) *Romer Shoal*. Beginning at latitude 40°27'30", longitude 73°55'00"; thence due north to latitude 40°29'05"; thence to latitude 40°31'25", longitude 74°00'55"; thence to latitude 40°32'11", longitude 74°01'41"; thence to latitude 40°32'12", longitude 74°02'07"; thence 180° to latitude 40°31'27"; thence to latitude 40°30'13", longitude 74°00'07"; thence to the point of beginning.

(iii) *Flynns Knoll*. Beginning at Sandy Hook Channel Lighted Bell Buoy 18; thence along the north side of Sandy Hook Channel to Sandy Hook Channel Lighted Buoy; thence along the southwest side of Swash Channel to Junction Buoy; thence along the east side of Chapel Hill Channel to Chapel Hill Channel Buoy 2; and thence to the point of beginning.

(3) *Anchorage No. 28*. West of lines bearing 154°30' from Fort Wadsworth Light to Craven Shoal Lighted Bell Buoy 19A, thence in succession to the buoys marking the east side of West Bank and the buoys on the west side of Chapel Hill Channel to Southwest Spit Junction Lighted Gong Buoy, thence 182° to a line extending from Sandy Hook Point Light to Point Comfort; north of the latter line and the New Jersey shore; and east of a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4, to the Staten Island shore; excluding from this area, however, (i) the waters west of a line ranging from the stack on Hoffman Island 344° through the northeast corner of the T-shaped pier at South Beach; northwest of a line ranging from Great Kills Light 39° and tangent to the offshore face of the T-shaped pier at Midland Beach; and northeast of a line ranging from the stack on Swinburne Island 301° to the shore end of the north jetty at New Creek; and (ii) the waters west of a line ranging from Conover Light at Leonardo, New Jersey, 340° through Old Orchard Shoal Light; northwest of a line bearing 230° from the stack on Hoffman Island; and northeast of a line ranging from Great Kills Light 332° through Marine Park Light at Crooks Point.

NOTE: A special anchorage area in this anchorage is described in § 110.60(r-1).

(g) [Reserved]

(h) *Newark Bay*—(1) *Anchorage No. 34*. South of the bridge of the Central Railroad Company of New Jersey; west of lines from a point on the bridge 100 yards west of the west pier of the west lift span to Newark Bay Channel Buoy 5, thence to the east end of the dike north of Shooters Island; north of the dike and a line ranging from the west end of the dike through Kill Van Kull Light 18 and Kill Van Kull Buoy 20; and east of a line 250 feet east of and parallel to the Singer Manufacturing Company bulkhead.

NOTE: A portion of this general anchorage is described as a special anchorage in § 110.60(r).

(2) [Reserved]

(3) *Anchorage No. 36*. South of Port Newark Terminal Channel; west of a line ranging from a point 200 yards west of Newark Bay Light 3 to a point 100 yards west of the west pier of the west lift span of the Central Railroad of New Jersey Bridge; and north of said bridge.

(4) *Anchorage No. 37*. North of the Central Railroad of New Jersey bridge; east of a line ranging from a point 200 yards east of the east pier of the east lift span of the bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of the latter bridge.

NOTE: A portion of this general anchorage is described as a special anchorage in § 110.60(q).

(5) *Anchorage No. 38*. North of the Pennsylvania-Lehigh Valley Railroad bridge; east of lines ranging through a point 200 yards east of the east end of the lift span of the said bridge and the red channel buoys marking the dredged channel in Newark Bay and Hackensack River; and south of the Central Railroad Company of New Jersey bridge.

(6) *Anchorage No. 39*. Between the entrance channels of the Hackensack and Passaic Rivers, northwest of lines from the abutment of the Central Railroad of New Jersey bridge on the

west side of the Hackensack River to Hackensack River Light 1, and thence to Newark Bay Light 5, and east of a line from said light ranging toward the southeast corner of the Texas Company wharf, and of a line ranging from the southeast corner of Gross Wharf to the abutment and end of fill of the Central Railroad of New Jersey bridge on the east side of the Passaic River.

(1) *Arthur Kill*—(1) *Anchorage No. 41*. The passage between Pralls Island and Staten Island included between a line running 29° from the extreme northwest point of Pralls Island to a point on Staten Island and a line from the southern point of Pralls Island to the north side of the mouth of Neck Creek at Travis, Staten Island.

(2) *Anchorage No. 42*. East of lines ranging from the head of the Tottenville Shipyard Company pier at Tottenville, Staten Island, to the first pier of the Outerbridge Crossing west from the Staten Island shore, thence to Arthur Kill Light 10, thence to Arthur Kill Light 14, and thence to Arthur Kill Lighted Buoy 16; and south of a line from thence to Smoking Point.

(j) *Raritan Bay*—(1) *Anchorage No. 44*. An area in Raritan Bay located at the junction of Arthur Kill and Raritan River, beginning at a point at latitude 40°30'07", longitude 74°15'13"; thence to latitude 40°30'01", longitude 74°15'30"; thence to latitude 40°29'27", longitude 74°15'06"; thence to latitude 40°29'24", longitude 74°15'01"; thence to latitude 40°29'15", longitude 74°14'55"; thence to latitude 40°29'14", longitude 74°15'25"; thence to latitude 40°29'48", longitude 74°15'48"; and thence to the point of beginning.

(1) The anchorage is restricted to deep-draft vessels except that barges may moor in that portion of the anchorage southerly of latitude 40°29'22".

(1) No vessel shall occupy the deep-draft portion of the anchorage for a longer period than 48 hours without a permit from the Captain of the Port.

(2) *Anchorage No. 45*. West of the Raritan Bay Channel leading into Arthur Kill; north of the Raritan River Channel leading into Raritan River; and east of the Cutoff Channel between Raritan River and Arthur

Kill, except that part of the said area occupied by Anchorage No. 44.

(3) *Anchorage No. 45-A*. West of the Cutoff Channel between Raritan River and Arthur Kill; north of the Raritan River Channel; east of the New York and Long Branch Railroad bridge; and north of the Raritan River Channel to the prolongation of Market Street, Perth Amboy, New Jersey, in Arthur Kill.

(4) *Anchorage No. 46*. West of the west limit of Anchorage No. 28, as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4 to the Staten Island shore; north of Raritan Bay Channel as defined by the buoys and lights marking the north side of the channel, including Princess Bay; northeast of Raritan Bay Channel leading into Arthur Kill; and south of a line bearing 243° from the gable of a house at Ward Point, Staten Island.

(5) *Anchorage No. 47*. South of the Raritan River Channel from opposite the Sun Oil Company pier at South Amboy to Raritan River Buoy 2, thence south of a line in the direction of Boundary Daybeacon to latitude 40°28'48.5", longitude 74°14'31.8", thence south of lines through Raritan Bay Light 7B, Raritan Bay Light 14, and the buoys marking the south side of Raritan Bay Channel Off Seguin Point to the west limit of Anchorage No. 28 as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier through Great Kills Flat Buoy 4 to the Staten Island shore; and west of the latter line.

(1) Vessels shall not anchor in the channel to Keyport Harbor west of lines ranging from Keyport Channel Buoy 1 to Keyport Channel Buoy 6, thence through Keyport Channel Buoys 11 and 13 to the northeast corner of the easterly steamboat wharf; and east of a line extending from a point 400 yards west of Keyport Channel Buoy 1 tangent to the west shore at the mouth of Matawan Creek.

NOTE: Anchorage No. 49-D in this area is reserved for vessels carrying explosives (see paragraph (m)(3) of this section) and is excluded from use as a general anchorage.

(k) [Reserved]

(1) *General regulations.* (1) No vessel in excess of 800 feet (243.84 meters) in length overall or 40 feet (12.192 meters) in draft may anchor unless it notifies the Captain of the Port at least 48 hours prior to entering Ambrose Channel.

(2) Except in cases of great emergency, no vessel shall be anchored in the navigable waters of the Port of New York outside of the anchorage areas established in this section, nor cast anchor within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or vessel in such manner as to obstruct or endanger the passage of any vessel in transit by, or to or from, adjacent wharves, piers, or slips.

(3) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(4) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(5) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released, unless the Captain of the Port shall waive the requirement of a mooring swivel.

(6) Anchors of all vessels must be placed well within the anchorage areas, so that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(7) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel

and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(8) The Captain of the Port may grant a revocable permit for the habitual maintenance and use of a given mooring space in an anchorage area. Application information for a mooring permit is available from:

Captain of the Port, Mooring Permit Section, Building 109, Governors Island, New York, N.Y. 10004.

(i) A mooring permit is issued to an individual, for his exclusive use, of a specific mooring, of a specific type, at a specific location, for a specific vessel.

(ii) Mooring permits shall expire on April 30 of the year after issuance.

(iii) Mooring permits are not transferable.

(iv) Moorings are shown on the large scale chart which may be seen at the office of the Captain of the Port—New York.

(v) Mooring anchor, chain, and pendant (if applicable) requirements are shown in Table 110.155(1)(7). These requirements may be waived or modified by the Captain of the Port upon written request from the applicant for such waiver or modification.

(vi) The mooring buoy shall be white in color with the Captain of the Port mooring permit number, in black letters, clearly visible at all times. The buoy is to extend not less than 1 foot above the surface of the water at all times, exclusive of flagstaves, rings, quick pickup devices, etc.

(vii) All required equipment shall be provided by, installed by, and remain the property of the permit holder.

(viii) Mooring equipment should be raised at least every 2 years, inspected for deterioration and replaced if necessary.

(ix) Each person holding a mooring permit shall make what the Captain of the Port—New York considers reasonable use of the mooring. Nonuse of a mooring up to 30 days during the boating season is deemed reasonable.

(x) Moorings for which permits have expired without renewal or have been revoked by the Captain of the Port—New York shall be removed by the owner within 10 days of such expiration or revocation.

(xi) Granting of a Captain of the Port—New York mooring permit does not give a right of access across private property. Arrangements for access shall be made by the permit holder.

(xii) Each person to whom a Captain of the Port—New York mooring permit is issued agrees to hold harmless the United States, its officers, agents, and employees, for any death, personal injury, or damage which may result from the use of the permit or the rights granted under the permit.

(xiii) No vessel shall continuously occupy a mooring when a vessel in reg-

ular traffic requires the berth or when navigation would be menaced or inconvenienced thereby.

(xiv) No vessel shall moor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy. Nor shall any vessel moored to a buoy authorized by a Captain of the Port—New York permit be moored such that any portion of the vessel comes within 50 feet of a marked or dredged channel.

(xv) No vessel shall be navigated within the limits of an anchorage at speed exceeding 6 knots when in the vicinity of a moored vessel.

(xvi) In an emergency the Captain of the Port may shift the position of any unattended vessel moored in or near any anchorage.

TABLE 110.155(I)(7)

Vessel length, in feet	Anchor weight, in pounds	Anchor type	Anchor scope	Chain size in inches	Pendant length in feet	Pendant as working in manner
15 or less	100	Mushroom or navy.	3x MHW	5/8	4	4x anchor weight.
Greater than 15 but not greater than 21.	150	Mushroom or navy.	3x MHW	5/8	8	Do.
Greater than 21 but not greater than 26.	200	Mushroom or navy.	3x MHW	5/8	10	Do.
Greater than 26	10 per foot of vessel length.	Mushroom or navy.	3x MHW	5/8 for anchor of 400 lb. or less, 3/4 if greater than 400 lb.	10	Do.

(9) Barge dispensing stations and stake boats may be anchored in such places as the Captain of the Port may designate.

(10) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables legally established, or plant engaged in dredging operations, to anchor within channels of the Port of New York. Permit issued by the Captain of the Port is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Cap-

tain of the Port in advance of all such proposed work.

(11) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage area, of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel or obstruct or interfere with range lights and of any vessel which, lying at the exterior end of a pier or alongside an open bulkhead, obstructs or endangers the passage of vessels in transit by, or to or from, adjacent wharf property or impedes the movements of vessels entering or leaving adjacent slips.

(12) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds, shall get under way at once or signal for a tug, and shall change position as directed, with reasonable promptness.

(13) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(14) Any vessel prohibited by these rules from anchoring in a specific anchorage because of the vessel's length or draft may anchor in the anchorage with permission from the Captain of the Port.

(m) *Anchorage for vessels carrying explosives.*

(1) [Reserved]

(2) *Anchorage No. 49-F (emergency naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 170°, 3,800 yards, from a point bearing 281°30', 2,050 yards from Sandy Hook Light; thence 260°, 500 yards; thence 350°, 3,800 yards; thence 080°, 500 yards, to the point of beginning.

(i) This anchorage is to be used for the anchorage of naval vessels during emergencies only.

(ii) No pleasure or commercial craft shall navigate or moor within this area at any time when naval vessels which are moored in the area display a red flag by day or a red light by night.

(3) *Anchorage No. 49-G (naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 208°, 1,350 yards, from a point bearing 292°30', 3,600 yards, from Sandy Hook Light; thence 298°, 620 yards; thence 002°, 1,250 yards; thence 107°, 1,150 yards, to the point of beginning.

(i) No pleasure or commercial craft shall navigate or moor within this area at any time when vessels which are moored in the area display a red flag by day or a red light by night.

(n) *Regulations for explosive anchorages.* (1) Anchorages Nos. 49-C, 49-F, and 49-G are reserved for vessels carrying explosives. All vessels carrying

explosives shall be within these areas when anchored, except as provided in paragraph (n)(6) of this section.

(2) A written permit shall be obtained from the Captain of the Port before vessels carrying explosives, or on which explosives are to be loaded, may proceed to the anchorages provided for them; and no vessel shall occupy a berth in such anchorage except by authority of such permit, which permit may be revoked at any time.

(3) Vessels used in connection with loading or unloading explosives on vessels in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. The Captain of the Port may, in his discretion, require every person having business on board vessels which are being loaded with explosives, other than members of the crew, to have a pass from the Captain of the Port in such form as he shall prescribe. Such permit or pass shall be shown whenever required by him or by his authorized agents.

(4) Whenever any vessel not fitted with mechanical power anchors in the explosives anchorages while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(5) Vessels carrying explosives shall comply with the general regulations in paragraph (l) of this section when applicable.

(6) The District Engineer, Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under Federal permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such safety instructions together with a copy of his written authorization.

(7) Every vessel loading, unloading, transporting, or containing explosives shall display by day a red flag at least 16 square feet in area at its masthead,

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or at least 10 feet above the upper deck if the vessel has no mast, and shall display by night a red light in the same position specified for the flag.

(8) When local regulations of any place require previous local authority for the transfer of explosives or fireworks between vessels or between a vessel and a wharf or other place ashore, the Captain of the Port will permit the removal from the anchorage of such vessel containing explosives to any place covered by such local regulations only when he is satisfied that the required local authority has been granted.

NOTE: The anchorage in this section are regulated under Title I, Ports and Waterways Safety Act of 1972 as stated in § 110.1a(a) of this part. The penalties for violating regulations under this Act are stated in § 110.1a(b) of this part.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 110.155, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 110.156 Randall Bay, Freeport, Long Island, N.Y.

(a) *The anchorage grounds.* Southward of a line 312 feet south of and parallel to the south side of Casino Street; eastward of a line 215 feet east of and parallel to the east side of West Side Avenue, said line extending southerly to a point 233 feet north of the prolonged north side of Clinton Street; northeastward of a line from the last-mentioned point to a point 243 feet southerly of the prolonged south side of Clinton Street and 210 feet east of the east side of Prospect Street; eastward of a line 210 feet east of and parallel to the east side of Prospect Street; northward of a line 25 feet north of and parallel to the prolonged north side of Suffolk Street; westward of a line 210 feet west of and parallel to the west side of South Long Beach Avenue, said line extending northerly to a point 222 feet south of the prolonged south side of Queens Street; southwestward of a line from the last-mentioned point to a point 74 feet northerly of the prolonged north side of Queens Street and 120 feet west of the west side of Roosevelt Avenue; and

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westward of a line 120 feet west of and parallel to the west side of Roosevelt Avenue.

(b) *The regulations.* (1) When applied for, a berth in this anchorage, if available, may be assigned to any vessel by the Captain of the Port of New York.

(2) The Captain of the Port is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port.

(3) No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy.

(4) No vessel shall be navigated within the anchorage at a speed exceeding six knots.

(5) In case of emergencies, the Captain of the Port is authorized to shift the position of any unattended vessel moored in or near the anchorage.

§ 110.157 Delaware Bay and River.

(a) *The anchorage grounds.*—(1) *Anchorage A off the entrance to the Mispillion River.* In Delaware Bay southward of Brandywine Channel beginning at latitude 38°53'57" N., longitude 75°08'00" W., thence northwesterly to latitude 39°01'22" N., longitude 75°13'25" W., thence southwesterly to latitude 39°00'49" N., longitude 75°14'57" W., thence southeasterly to latitude 38°53'22" N., longitude 75°09'28" W., thence northeasterly to the point of beginning. Supervision over the anchoring of vessels and over all cargo transfer operations in Anchorage A is exercised by the Captain of the Port, Philadelphia. The regulations of paragraphs (b)(1) and (b)(2) of this section do not apply to this anchorage.

(2) *Anchorage 1 off Bombay Hook Point.* On the southwest side of the channel along Liston Range, bounded as follows: Beginning at a point (approximately latitude 39°17'59", longitude 75°23'07") bearing 228 from Ship John Shoal Light, 167 yards southwest of the southwest edge of the channel along Liston Range; thence 228°, 2,000 yards; thence 318°, 8,000 yards; thence

48°, 2,000 yards; and thence 138°, 8,000 yards, to the point of beginning.

(3) *Anchorage 2 northwest of Artificial Island.* On the east side of the channel along Reedy Island Range, bounded as follows: Beginning at a point bearing 105° from the northernmost point of Reedy Island, 167 yards easterly of the east edge of the channel along Reedy Island Range; thence 105°, 800 yards; thence 195°, 4,500 yards; thence 285°, 800 yards to a point (approximately latitude 39° 28' 58", longitude 75° 33' 37") opposite the intersection of Reedy Island and Baker Ranges; and thence 15°, 4,500 yards, to the point of beginning.

(4) *Anchorage 3 southeast of Reedy Point.* Southeast of the entrance to the Chesapeake and Delaware Canal at Reedy Point, bounded on the east by the west edge of the channel along Reedy Island and New Castle Ranges; on the west by a line beginning at a point on the west edge of the channel along Reedy Island Range at latitude 39° 31' 43", thence to a point bearing 168° 30', 3,150 yards, from Chesapeake and Delaware Canal 2 Light, and thence to a point bearing 131°, 1,160 yards, from Chesapeake and Delaware Canal 2 Light; and on the north by a line running from the last-described point 113° 30', approximately 813 yards, to the west edge of the channel along New Castle Range.

(5) *Anchorage 4 north of Reedy Point.* North of the entrance to the Chesapeake and Delaware Canal at Reedy Point, on the west side of the river, bounded as follows: Beginning at a point (approximately latitude 39° 33' 51", longitude 75° 33' 35") 344° 58' true, 160 yards from Chesapeake and Delaware Canal Light 2; thence 106° 26', 1,442 yards; thence 36° 26', 377 yards; thence 126° 26', 1,442 yards; thence 216° 26', 377 yards to the point of beginning.

(6) *Anchorage 5 southeast of Pea Patch Island.* On the northeast side of the channel along New Castle Range, bounded as follows: Beginning at latitude 39° 34' 28", longitude 75° 33' 06"; thence 334°, 2,343 yards; thence 64°, 512 yards; thence 154°, 2,343 yards; and thence 244°, 512 yards, to the point of beginning.

(7) *Anchorage 6 off Deepwater Point.* Southeast of the entrance to Christina River, on the east side of the channel along Cherry Island Range, bounded as follows: Beginning at latitude 39° 41' 31", longitude 75° 30' 55"; thence 17°, 2,747 yards; thence 112°, 847 yards; thence 215°, 1,340 yards; thence 204°, 893 yards; thence 186° 30', 500 yards; and thence 286°, 377 yards, to the point of beginning. Vessels must not cast anchor in the cable area at the lower end of this anchorage except in case of emergency.

(8) *Anchorage 7 off Marcus Hook.* On the southeast side of the channel along Marcus Hook Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75° 25' 50"; thence northeasterly along the edge of the channel to longitude 75° 23' 30"; thence 207°, 933 yards; thence 237°, 2,692 yards; thence 267°, 933 yards, to the point of beginning. A preferential area in this anchorage is designated for the use of vessels awaiting quarantine inspection, this area being 333 yards wide on the downstream side of a line projected from Blueball Road in Marcus Hook. Should the remainder of the anchorage be in use, the preferential area, when available, may be used by vessels not subject to quarantine inspection.

(9) *Anchorage 8 off Thompson Point.* On the south side of the channel along Tinicum Range, between Thompson Point and the east side of Crab Point, bounded as follows: Beginning at a point on the south edge of the channel along Tinicum Range at longitude 75° 18' 24"; thence easterly along the edge of the channel to longitude 75° 17' 54"; thence 179°, 267 yards; thence 260° 30', 793 yards; thence 358°, 425 yards, to the point of beginning.

(10) *Anchorage 9 near entrance to Mantua Creek.* On the southeast side of the channel along Mifflin Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75° 14' 26"; thence northeasterly along the edge of the channel to longitude 75° 12' 01.5"; thence 203° 30', 933 yards; thence 233° 30', 3,058 yards; and thence 263° 30', 933 yards, to the point of beginning. Vessels must not cast anchor in this anchorage in such manner as to

interfere unreasonably with the passage of other vessels to and from Mantua Creek.

(11) *Anchorage 10 (naval) at Naval Base, Philadelphia.* On the north side of the channel along West Horseshoe Range, bounded as follows: Beginning at the southeasterly corner of Pier 7 (approximately latitude 39°53'11", longitude 75°09'58.5"); thence 174', 525 yards, to the north edge of the channel along West Horseshoe Range; thence 273'30" along the edge of the channel, 880 yards; thence 354', 433 yards, to the southeasterly corner of Pier 1; and thence 88'30", 875 yards, to the point of beginning. This is a restricted naval anchorage.

(12) *Anchorage 11 at Gloucester.* On the east side of the channel south of the Walt Whitman Bridge at Gloucester, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54'16"; thence 174'30", 500 yards, to latitude 39°54'02", longitude 75°07'43"; thence 202', 1,133 yards; thence 217'30", 1,142 yards, to the east edge of channel; thence northeasterly along the edge of the channel to the point of beginning.

(13) *Anchorage 12 between Gloucester and Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 11, from the Gloucester to Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54'16"; thence northerly along the edge of the channel to latitude 39°56'32.5"; thence 133', 283 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°54'34"; thence 196'16", 882 yards to latitude 39°54'08.5"; thence 354'36", 267 yards to the point of beginning. The area between New York Shipbuilding Corporation Pier No. 2 and the MacAndrews and Forbes Company pier, Camden, shall be restricted to facilitate the movement of carfloats to and from Bulson Street, Camden. The area in front of the Public Service Electric and Gas Company pier shall be restricted to facilitate the movement of vessels to and from the pier. Should the anchorage become so congested that vessels are compelled to anchor in these restricted areas, they must move

immediately when another berth is available.

(14) *Anchorage 13 at Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 12, to Cooper Point, Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°56'32.5"; thence northerly along the edge of the channel to latitude 39°57'39.7"; thence 139', 277 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°56'26.5"; thence 313', 283 yards to the point of beginning.

(15) *Anchorage 14 opposite Port Richmond.* On the southeast side of the channel, north of Petty Island, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05'43"; thence 163', 248 yards; thence 253', 1,070 yards, to the southeast edge of the channel; and thence northeasterly along the edge of the channel to the point of beginning. Vessels having a draft of less than 20 feet must anchor southwest of Pier No. 11, Port Richmond. The area off the Cities Service Oil Company wharves, Petty Island, shall be restricted to facilitate the movement of vessels to and from the wharves.

(16) *Anchorage 15 off northeasterly end of Petty Island.* On the southeast side of the channel, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05'34.7"; thence northeasterly along the southeast edge of the channel to longitude 75°05'09.5"; thence 171', 198 yards; thence 260'30", 600 yards; and thence 351', 198 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the Captain of the Port to shift position.

(17) *Anchorage 16 between Port Richmond and Five Mile Point.* On the northwest side of the channel, bounded as follows: Beginning at a point on the northwest edge of the channel at longitude 75°05'35"; thence northeasterly along the edge of the channel to longitude 75°04'20"; thence 328', 125 yards; thence 243', 450 yards

thence 251°, 475 yards; thence 257°, 1,042 yards; thence 174°30', 122 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the Captain of the Port to shift position.

(b) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in Delaware Bay and River between Ship John Light and The Pennsylvania Railroad Company bridge at Delair, New Jersey, outside of the anchorage areas established in this section, or within a cable or pipe line area shown on a Government chart, or be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel. When an emergent condition exists due to congestion in the prescribed anchorage areas in the Delaware River, the Captain of the Port may authorize the anchorage of vessels in locations other than the prescribed areas. Vessels so anchored must not be anchored within the channel limits. Any vessel anchored outside of the prescribed anchorage limits must move to a prescribed anchorage area when space becomes available.

(2) No vessel shall occupy any prescribed anchorage for a longer period than 48 hours without a permit from the Captain of the Port. Vessels expecting to be at anchor for more than 48 hours shall obtain a permit from the Captain of the Port for that purpose. No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port such action may be necessary, he may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) [Reserved]

(5) Anchors shall be placed well within the anchorage areas, so that no portion of the hull or rigging will at

any time extend outside of the anchorage area.

(6) Light-draft barges using the anchorages shall be anchored away from the deeper portions of the anchorages, so as not to interfere with the anchoring of deep-draft vessels. Any barges towed in tandem to an anchorage area shall be bunched together when anchoring.

(7) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables, or plant engaged in dredging operations, to anchor in channels. Such permission is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(8) [Reserved]

(9) A vessel upon being notified to shift its position shall get under way at once or signal for a tug and shall change position as directed with reasonable promptness.

(10) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights and fog signals or other navigation laws and regulations.

(c) *Regulations for vessels carrying and handling explosives.* (1) All vessels carrying explosives as defined in and subject to, Title 46 Code of Federal Regulations, Part 146, or Title 49 Code of Federal Regulations, Parts 171 through 177, or on which such explosives are to be loaded, shall obtain a permit from the Captain of the Port, except as provided in paragraph (c)(5) of this section. The maximum amount of explosives for which a permit is required in 46 CFR Part 146, and 49 CFR Parts 171 through 177, which may be carried or loaded at any time by a vessel shall not exceed 800 tons, except in cases of great emergency or by special permit from the Captain of the Port. This written permit shall be

obtained from the Captain of the Port before vessels carrying explosives or on which explosives are to be loaded within the weight limit specified in paragraph (c)(1) of this section, may anchor in any anchorage. Permits will not be issued for Anchorage 2 under any circumstances. Such permit may be revoked at any time. All vessels used in connection with loading, or unloading explosives shall carry written permits from the Captain of the Port, and shall show such permit whenever required by him or his representative.

(2) Vessels handling explosives shall be anchored so as to be at least 2,200 feet from any other vessel, but the number of vessels which may anchor in an anchorage at any one time shall be at the discretion of the Captain of the Port. This provision is not intended to prohibit barges or lighters from tying up alongside the vessels for the transfer of cargo.

(3) Whenever a vessel or barge not mechanically self-propelled anchors while carrying explosives or while awaiting the loading of explosives, the Captain of the Port may require the attendance of a tug upon such vessel or barge when in his judgment such action is necessary.

(4) Fishing and navigation are prohibited within an anchorage whenever occupied by an anchored vessel displaying a red flag.

(5) The District Engineer, U.S. Army Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under Department of the Army permit, to anchor in or near the vicinity of such work. The Captain of the Port will prescribe the conditions under which explosives shall be stored and handled in such cases.

(6) Vessels carrying explosives or on which explosives are to be loaded, within the weight limit specified in paragraph (c)(1) of this section, shall comply with the general regulations in paragraph (b) of this section when applicable.

(7) Nothing in this section shall be construed as relieving any vessel or the owner or person-in-charge of any vessel, and all others concerned, of the duties and responsibilities imposed upon them to comply with the regula-

tions governing the handling, loading or discharging of explosives entitled "Subchapter C—Hazardous Materials Regulations" (49 CFR Parts 171 through 177) or "Subchapter N—Dangerous Cargoes" (46 CFR Part 146).

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, amended by CGD 77-212A, 47 FR 20970, May 13, 1982; CGD 3-80-3A, 48 FR 13411, Mar. 31, 1983; CCGD 3-82-31, 48 FR 23531, May 26, 1983; 48 FR 30622, July 5, 1983; CGD3-83-72, 49 FR 25444, June 21, 1984]

§ 110.158 Baltimore Harbor, MD.

(a) *The anchorage grounds*—(1) *Anchorage No. 1, general anchorage.* In the Patapsco River at Fort McHenry angle beginning at latitude 39°15'12", longitude 76°34'08.5"; thence southwest to latitude 39°15'10.5", longitude 76°34'12.5"; thence southeast to latitude 39°14'52.5", longitude 76°33'54"; thence east-southeast to latitude 39°14'48", longitude 76°33'42"; thence northwest to the point of beginning. This anchorage shall be reserved for deep draft vessels and shall be used only by vessels waiting overnight to proceed to pier facilities. No vessel shall remain in this anchorage for more than 12 hours without a written permit from the Captain of the Port. Vessels anchored in this anchorage shall insure that they do not project into Fort McHenry Channel.

(2) *Anchorage No. 2, general anchorage.* In the Patapsco River beginning at latitude 39°15'01.43" N., longitude 76°33'43.39" W.; thence southeast to latitude 39°14'49.09" N., longitude 76°33'30.37" W.; thence northeast to latitude 39°14'58.49" N., longitude 76°33'15.63" W.; thence southeast to latitude 39°14'40.5" N., longitude 76°32'57" W.; thence northeast to latitude 39°14'50" N., longitude 76°32'41.5" W.; thence northwest to latitude 39°15'17.2" N., longitude 76°33'10.0" W.; thence northwest to latitude 39°15'18.95" N., longitude 76°33'15.46" W.; thence west to latitude 39°15'18.90" N., longitude 76°33'25.67" W.; thence southwest to latitude 39°15'08.17" N., longitude 76°33'38.79" W.; thence southwest to point of beginning. A vessel with a draft of over 24 feet may not use the anchorage. No vessel may remain in this anchorage for more than 72 hours without a writ-

ten permit from the Captain of the Port.

(3) *Anchorage No. 3, general anchorage.* In the Patapsco River beginning at latitude 39°14'49.09" N, longitude 76°33'30.37" W; thence southeast to latitude 39°14'14.70" N, 76°32'54.10" W; thence northeast to latitude 39°14'24.10" N, longitude 76°32'39.36" W; thence northwest to latitude 39°14'58.49" N, longitude 76°33'15.63" W; thence southwest to point of beginning. A vessel with a draft of less than 24 feet may not use the anchorage. No vessel may remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(4) *Anchorage No. 4, general anchorage.* In the Patapsco River 1,000 yards southwest of Dundalk Marine Terminal beginning at latitude 39°14'18.5" N, longitude 76°32'38.5"; thence southeast to latitude 39°14'00", longitude 76°32'19"; thence southwest to latitude 39°13'53", longitude 76°32'31"; thence northwest to latitude 39°14'11", longitude 76°32'50"; thence northeast to the point of beginning. This is a general anchorage for vessels with drafts of less than 30 feet. No vessel shall remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(5) *Anchorage No. 5, general anchorage.* In the Patapsco River in the angle between Fort McHenry Channel and Curtis Bay Channel beginning at latitude 39°14'07", longitude 76°32'58.5"; thence southeast to latitude 39°13'34", longitude 76°32'24"; thence southwest to latitude 39°13'22", longitude 76°32'29"; thence west to latitude 39°13'21", longitude 76°33'12"; thence north-northeast to the point of beginning. This is a general anchorage for vessels having drafts of 19 feet or less. No vessel shall remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(6) *Anchorage No. 6, general anchorage.* In the Patapsco River approximately 2,000 yards west of Sollars Point beginning at latitude 39°13'42.58" N, longitude 76°32'20.24" W; thence southeast to latitude 39°13'20" N, longitude 76°31'56" W; thence northeast to latitude 39°13'34"

N., longitude 76°31'33.5" W., thence northwest to latitude 39°14'02" N., longitude 76°32'02.9" W., thence southwest to latitude 39°13'50.5" N., longitude 76°32'20" W., thence south to point of beginning. A vessel with a draft over 20 feet may not use this general anchorage. No vessel may remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(7) (Reserved)

(8) *Dead ship anchorage.* In Curtis Bay beginning on the shoreline at latitude 39°13'00", longitude 76°34'11.5"; thence north to latitude 39°13'13.5", longitude 76°34'12"; thence east to latitude 39°13'14", longitude 76°33'31"; thence south to the shoreline at latitude 39°12'54", longitude 76°33'31". This anchorage shall be used as a dead ship anchorage only. A written permit from the Captain of the Port must be obtained prior to the use of this anchorage for any period of time.

(b) *General regulations.* (1) Except in cases where unforeseen circumstances create conditions of imminent peril, or with the permission of the Captain of the Port, no vessel shall be anchored in Baltimore Harbor and Patapsco River outside of the anchorage areas established in this section for more than 24 hours. No vessel shall anchor within a tunnel, cable or pipeline area shown on a Government chart. No vessel shall be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to extend into established channel limits. No vessel shall be positioned so as to obstruct or endanger the passage of any other vessel.

(2) No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels, shall occupy an anchorage except in cases where unforeseen circumstances create conditions of imminent peril to personnel and then only for such period as may be authorized by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, he may require any vessel in a designated anchorage area to moor with two or more anchors.

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(4) Every vessel that will not have sufficient personnel on board to weigh anchor at any time shall be anchored with two anchors with mooring swivel, unless the Captain of the Port, upon application, waives this requirement.

(5) Light-draft barges shall be anchored away from the deeper portions of the anchorages, so as not to interfere with the anchoring of deep-draft vessels. Any barges towed in tandem to an anchorage area shall be nested together when anchoring.

(6) No vessel shall be navigated within an anchorage at a speed exceeding 6 knots.

(7) A vessel being notified by the Captain of the Port or his authorized representative to shift its position shall take steps to promptly make the change.

(8) Nothing in this section shall be construed as relieving any vessel, or the owner or person in charge of any vessel, from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights, day signals and fog signals or other navigation laws and regulations.

[CGFR 68-132, 33 FR 18439, Dec. 12, 1968; 33 FR 20039, Dec. 31, 1968]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 110.158, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 110.159 Annapolis Harbor, Md.

(a) *The Anchorage Grounds*—(1) *Naval Anchorage for Deep Draft Vessels.* In the Chesapeake Bay, bounded on the north by latitude 38°58'00"; on the east by a line bearing 203° from latitude 38°58'00", longitude 76°24'00"; on the south by latitude 38°56'30"; and on the west by a line bearing 139° from Greenbury Point Shoal Light. This anchorage is reserved for deep draft naval vessels. Berths in the area will be assigned on application to the Superintendent, U.S. Naval Academy.

(2) *Middle Ground Anchorage.* Beginning at a point in the Severn River 139°, 620 yards from Triton Light (located at the intersection of the northeast and southeast seawall of the Naval Academy grounds); thence easterly to a point 112°30', 970 yards from

Triton Light; thence southeasterly to a point 274°, 1,045 yards from the radio tower at the tip of Greenbury Point; thence south-southeasterly to point 233°30', 925 yards from the radio tower at the tip of Greenbury Point; thence west to a point 295°, 1,045 yards from Greenbury Point Shoal Light; thence northwesterly to the point of beginning.

(3) *South Anchorage.* In the Severn River, beginning at a point on the shoreline at Horn Point, Eastport 168°, 1,190 yards from Triton Light; thence east to a point 294°, 1,075 yards from Greenbury Point Shoal Light; thence northwest to a point 143°, 545 yards from Triton Light; thence westerly to a point 209°, 700 yards from Triton Light; thence 180° to a point on the shoreline at Eastport. No vessel shall anchor within 100 feet of any wharf, marine railway, or other structure without the permission of the owner thereof.

(4) *Naval Anchorage for Small Craft.* In the Severn River, beginning at a point 80 feet off the southeast seawall of the Naval Academy bearing 132° from Triton Light; thence easterly to point 072°30', 285 yards from Triton Light; thence southeasterly to a point 109°, 785 yards from Triton Light; thence westerly to a point 211°, 545 yards from Triton Light; thence northwesterly to a point 45 yards of the southeast seawall of the Naval Academy bearing 214°, 535 yards from Triton Light; thence northeasterly to the point of beginning. Except in the case of emergency, no vessel shall be anchored in this area without the permission of the Superintendent, U.S. Naval Academy. Anchorages will be assigned upon request to the Superintendent, U.S. Naval Academy.

(5) *Anchorage A.* In Spa Creek beginning at a point on the shoreline 219°30', 545 yards from Triton Light; thence southeasterly to a point 214°30', 555 yards from Triton Light; thence southwesterly to a point 237°30', 185 yards from the Naval Academy Light; thence southwesterly to a point 235°30', 315 yards from the Naval Academy Light; thence westerly to a point 240°, 410 yards from the Naval Academy Light; thence northeasterly to a point 244°, 305 yards from

the Naval Academy Light; thence northeasterly to a point on the shoreline 255', 205 yards from the Naval Academy Light.

(6) *Anchorage B.* In Spa Creek beginning at a point 223', 185 yards from the Naval Academy Light; thence southeasterly to a point 214', 190 yards from the Naval Academy Light; thence southwesterly to a point 211', 335 yards from the Naval Academy Light; thence southwesterly to a point 212', 520 yards from the Naval Academy Light; thence northwesterly to a point 229°30', 465 yards from the Naval Academy Light; thence northeasterly to the point of beginning.

NOTE: The City Council of Annapolis has promulgated local ordinances to the control building of structures, and mooring and anchorage of vessels in anchorages (a)(2), (a)(3), (a)(5), and (a)(6). These local ordinances will be enforced by the local Harbor Master.

(b) *The regulations.* (1) Except in the case of emergency, no vessel shall be anchored in the area to the north and east of the Annapolis Channel bounded on the east by Greenbury Point; on the south by a line bearing 270° from the southern tip of Greenbury Point; on the west by the Annapolis Channel; on the north by the southern boundary of the cable area and the shoreline of the Government reservation and Carr Creek.

(2) Except in the case of emergency, no vessel shall be anchored in Annapolis Harbor to the westward of the dredged channel and northward of the southern boundary of the South Anchorage outside of the established anchorage areas, except in Spa Creek and the area to the southwestward of the Naval anchorage for small craft. No vessel shall be so anchored that any part of the vessel extends at any time within this area. Any vessel anchoring, under great emergency, within this area shall be placed as close to an anchorage area as practicable, and shall move away immediately after the emergency ceases.

(3) No vessel shall be anchored in the cable and pipeline area, lying between the Naval Academy and the Naval Ship Research and Development Laboratory and having the following limits: Southeastern limit, from

Triton Light 072° to white "Cable Crossing" sign at the Naval Ship Research and Development Laboratory; northwestern limit, a line bearing 054° from the Capitol Dome.

(4) Except in the case of emergency, no vessel shall be anchored, without permission of the Superintendent, U.S. Naval Academy, in the Naval Academy Drill area described as follows:

That portion of the Severn River lying to the northeastward of the Naval Academy, bounded on the north by the State Highway Bridge and on the south by the northern limit of the cable and pipeline area, excluding that area off the eastern shoreline enclosed by a line bearing approximately 131° from the eastern abutment of the State Highway Bridge to the vicinity of Ferry Point. This drill area also includes the lower part of Dorseys Creek below the Naval Academy Drawbridge. Requests to anchor in this drill area shall be made to the Superintendent, U.S. Naval Academy.

(b)(5) The restrictions in this section do not apply to the anchoring or marking by buoys of apparatus used for the purpose of taking seafood, except within the cable or pipeline area described in paragraph (b)(3) of this section.

(6) The regulations in paragraph (b) of this section shall be enforced by the Superintendent, U.S. Naval Academy, and such agencies as he may designate.

[CGFR 68-97, 34 FR 9677, June 20, 1969, as amended by CGD 05-81-15R, 47 FR 29658, 29659, July 8, 1982]

§ 110.166 York River, Va., naval anchorage.

(a) *The anchorage grounds.* Between Yorktown and the Naval Mine Depot, beginning at latitude 37°15'34", longitude 76°31'25"; thence to latitude 37°15'25", longitude 76°31'39.5"; thence to latitude 37°16'21.5", longitude 76°32'46"; thence to latitude 37°17'07.5", longitude 76°34'17"; thence to latitude 37°17'55", longitude 76°35'14.5"; thence to latitude 37°18'05", longitude 76°35'01"; thence to latitude 37°17'20", longitude 76°34'07"; thence to latitude

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37°16'33.5", longitude 76°32'34", and thence to the point of beginning.

(b) *The regulations.* This anchorage is reserved for the exclusive use of naval vessels and except in cases of emergency, no other vessel shall anchor therein without permission from the local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorage will not be restricted.

§ 110.168 Hampton Roads, Va., and adjacent waters.

(a) *Anchorage Grounds*—(1) *Cape Henry Anchorage.* Anchorage A (Naval Anchorage). The waters bounded by the shoreline and a line connecting the following points:

Latitude	Longitude
36°55'33.0" N.	76°02'47.0" W.
36°57'02.8" N.	76°03'02.6" W.
36°56'45.0" N.	76°01'30.0" W.
36°55'54.0" N.	76°01'37.0" W.

(2) *Chesapeake Bay, Thimble Shoals Channel Anchorages*—(i) *Anchorage B (Naval Anchorage).* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°57'58.0" N.	76°06'07.0" W.
36°57'11.0" N.	76°03'02.1" W.
36°55'48.8" N.	76°03'14.0" W.
36°56'31.8" N.	76°06'07.0" W.
36°57'04.0" N.	76°06'07.0" W.
36°57'08.5" N.	76°06'24.5" W.

(ii) *Anchorage C (Naval Anchorage).* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°58'54.8" N.	76°09'41.5" W.
36°58'18.8" N.	76°07'18.0" W.
36°57'27.0" N.	76°07'37.5" W.
36°58'04.0" N.	76°10'00.0" W.

(iii) *Anchorage D (Naval Anchorage).* The waters bounded by the shoreline and a line connecting the following points:

Latitude	Longitude
36°55'49.0" N.	76°10'32.8" W.
36°58'04.0" N.	76°10'02.1" W.
36°57'31.2" N.	76°07'54.9" W.
36°55'24.1" N.	76°08'28.8" W.

(iv) *Anchorage E (Commercial Explosive Anchorage).* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°59'58.7" N.	76°13'47.0" W.
36°59'08.2" N.	76°10'33.8" W.
36°58'13.0" N.	76°10'51.8" W.
36°59'02.0" N.	76°14'10.2" W.

(A) *Explosive Handling Berth E-1 (Explosives Anchorage Berth).* The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

Latitude	Longitude
36°59'05.0" N.	76°11'23.0" W.

(3) *Hampton Roads Anchorages*—*Anchorage F, Hampton Bar.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°59'51.6" N.	76°19'12.0" W.
36°59'25.2" N.	76°18'48.5" W.
36°58'49.1" N.	76°19'33.8" W.
36°59'25.0" N.	76°20'07.0" W.

(A) *Anchorage Berth F-1.* The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

Latitude	Longitude
36°59'16.7" N.	76°19'39.0" W.

(B) *Anchorage Berth F-2.* The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

Latitude	Longitude
36°59'31.8" N.	76°19'16.0" W.

(II) *Anchorage G, Hampton Flats (Naval Explosives Anchorage)*. The waters bounded by a line connecting the following points:

Latitude	Longitude
36°59'25.0" N.	76°20'07.0" W.
36°58'49.1" N.	76°19'33.8" W.
36°57'41.4" N.	76°21'07.7" W.
36°57'34.6" N.	76°21'26.7" W.
36°57'31.1" N.	76°22'01.9" W.
36°58'07.0" N.	76°22'03.0" W.
36°58'54.8" N.	76°21'42.6" W.

(A) *Explosives Handling Berth G-1*. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

Latitude	Longitude
36°57'50.0" N.	76°21'37.0" W.

(B) *Explosives Handling Berth G-2*. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

Latitude	Longitude
36°58'14.0" N.	76°21'01.5" W.

(C) *Explosives Handling Berth G-3*. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

Latitude	Longitude
36°58'34.5" N.	76°20'31.0" W.

(D) *Explosives Handling Berth G-4*. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

Latitude	Longitude
36°58'53.4" N.	76°20'05.0" W.

(III) *Anchorage H, Newport News Bar*. The waters bounded by a line connecting the following points:

Latitude	Longitude
36°58'07.0" N.	76°22'03.0" W.
36°57'31.1" N.	76°22'01.9" W.
36°57'18.0" N.	76°24'11.2" W.
36°57'38.3" N.	76°24'20.0" W.
36°57'51.8" N.	76°22'31.0" W.

(4) *James River Anchorages*—(i) *Anchorage I, Newport News*. The waters bounded by a line connecting the following points:

Latitude	Longitude
36°57'06.7" N.	76°24'44.3" W.
36°56'22.6" N.	76°24'28.0" W.
36°56'03.0" N.	76°24'37.0" W.
36°57'53.7" N.	76°26'41.5" W.
36°58'23.0" N.	76°27'11.0" W.
36°58'48.5" N.	76°27'11.0" W.
36°58'35.4" N.	76°26'38.4" W.
36°57'51.7" N.	76°26'02.8" W.
36°57'30.6" N.	76°25'34.5" W.

(A) *Anchorage Berth I-1*. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

Latitude	Longitude
36°57'08.5" N.	76°25'21.6" W.

(B) *Anchorage Berth I-2*. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

Latitude	Longitude
36°57'22.4" N.	76°25'47.7" W.

(ii) *Anchorage J, Newport News Middle Ground*. The waters bounded by a line connecting the following points:

Latitude	Longitude
36°57'21.0" N.	76°22'22.1" W.
36°56'46.5" N.	76°22'39.3" W.
36°56'25.3" N.	76°23'48.0" W.
36°57'10.2" N.	76°24'09.9" W.

(iii) *Anchorage K, Newport News Middle Ground*. The waters bounded

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by a line connecting the following points:

Latitude	Longitude
36°57'55.8" N.	76°20'31.9" W.
36°57'07.9" N.	76°20'32.2" W.
36°56'48.8" N.	76°20'20.1" W.
36°55'59.9" N.	76°22'11.7" W.
36°55'59.9" N.	76°24'00.0" W.
36°56'25.3" N.	76°23'48.0" W.
36°56'46.5" N.	76°22'39.3" W.
36°57'21.0" N.	76°22'22.1" W.
36°57'28.1" N.	76°21'11.7" W.

(A) *Anchorage Berth K-1.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°57'56.1" N.	76°20'31.5" W.
36°57'08.0" N.	76°20'32.2" W.
36°57'28.1" N.	76°21'11.7" W.

(B) *Anchorage Berth K-2.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°57'23.4" N.	76°21'58.5" W.
36°57'28.1" N.	76°21'11.7" W.
36°57'15.0" N.	76°20'46.4" W.
36°57'02.1" N.	76°21'09.5" W.

(C) *Anchorage Berth K-3.* The waters bounded by the arc of a circle with a radius of 300 yards and with the center located at:

Latitude	Longitude
36°57'12.9" N.	76°22'14.2" W.

(iv) *Anchorage Berth L, Craney Island Flats.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°56'48.8" N.	76°20'20.1" W.
36°56'04.2" N.	76°20'23.7" W.
36°55'59.9" N.	76°22'11.7" W.

(5) *Norfolk Harbor Channel Anchorages—(i) Anchorage M.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°55'37.6" N.	76°19'48.1" W.
36°55'22.1" N.	76°19'48.1" W.
36°55'20.5" N.	76°20'14.9" W.
36°55'36.8" N.	76°20'13.6" W.

(ii) *Anchorage N.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°54'35.3" N.	76°19'47.5" W.
36°54'03.9" N.	76°19'45.0" W.
36°53'55.0" N.	76°20'09.0" W.
36°54'43.5" N.	76°20'18.0" W.
36°54'47.2" N.	76°20'17.7" W.

(iii) *Anchorage O.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°53'28.0" N.	76°19'16.3" W.
36°53'00.0" N.	76°19'29.9" W.
36°53'04.9" N.	76°20'01.2" W.
36°53'28.0" N.	76°20'05.1" W.

(6) *Elizabeth River Anchorages—(i) Anchorage P, Lambert's Point.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°52'41.0" N.	76°20'07" W.
36°52'39.5" N.	76°20'37.8" W.
36°52'18.8" N.	76°20'34.3" W.
36°52'22.2" N.	76°20'03.8" W.

(ii) *Anchorage Q.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°52'17.8" N.	76°19'38.8" W.
36°52'01.1" N.	76°19'15.5" W.
36°51'56.4" N.	76°19'21.7" W.
36°52'12.6" N.	76°19'45.1" W.

(iii) *Anchorage R, Port Norfolk.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°51'45.7" N.	76°19'31.5" W.
36°51'45.8" N.	76°19'20.7" W.
36°51'37.8" N.	76°19'24.3" W.
36°51'32.5" N.	76°19'31.1" W.
36°51'40.7" N.	76°19'37.3" W.
36°51'45.7" N.	76°19'31.5" W.

(iv) *Anchorage S, Port Norfolk.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°51'42.1" N.	76°19'15.5" W.
36°51'33.1" N.	76°19'02.6" W.
36°51'31.9" N.	76°19'17.0" W.

(v) *Anchorage T, Hospital Point.* The waters bounded by a line connecting the following points:

Latitude	Longitude
36°51'05.4" N.	76°18'22.4" W.
36°50'54.2" N.	76°17'52.2" W.
36°50'36.7" N.	76°17'52.8" W.
36°50'33.6" N.	76°17'58.8" W.
36°50'49.3" N.	76°18'09.0" W.
36°50'50.3" N.	76°18'07.8" W.
36°50'56.2" N.	76°18'12.5" W.
36°51'01.8" N.	76°18'32.3" W.

(7) *Anchorage U, The Hague.* The waters of the basin known as "The Hague", north of the Brambleton Avenue Bridge, except for the area within 100 feet of the bridge span that provides access to and from the Elizabeth River.

(b) *Definitions.* As used in this section:

(1) "Dangerous cargo" means "certain dangerous cargo" as defined in § 160.203 of this title.

(2) "Military explosives" means "military explosives" as defined in 46 CFR 146.29-11.

(c) *General Regulations.* (1) Except as otherwise provided, this section applies to vessels over 65 feet long and vessels carrying or handling dangerous cargo or military explosives while anchored in an anchorage ground described in this section.

(2) Except as otherwise provided, a vessel may not occupy an anchorage for more than 30 days, unless the

vessel obtains a permit from the Captain of the Port.

(3) Except in an emergency, a vessel that is likely to sink or otherwise become a menace or obstruction to navigation or the anchoring of other vessels may not occupy an anchorage, unless the vessel obtains a permit from the Captain of the Port.

(4) The Captain of the Port may, upon application, assign a vessel to a specific berth within an anchorage for a specified period of time.

(5) The Captain of the Port may grant a revocable permit to a vessel for a habitual use of a berth. Only the vessel that holds the revocable permit may use the berth during the period that the permit is in effect.

(6) The Commander, Fifth Coast Guard District, may authorize the establishment and placement of temporary mooring buoys within a berth. Placement of a fixed structure within an anchorage may be authorized by the District Engineer, U.S. Army Corps of Engineers.

(7) If an application is for the long-term lay up of a vessel, the Captain of the Port may establish special conditions in the permit with which the vessel must comply.

(8) Upon notification by the Captain of the Port to shift its position within an anchorage, a vessel at anchor shall get underway at once or signal for a tug. The vessel shall move to its new location in a prompt manner.

(9) The Captain of the Port may prescribe specific conditions for vessels anchoring within the anchorages described in this section, including, but not limited to, the number and location of anchors, scope of chain, readiness of engineering plant and equipment, usage of tugs, and requirements for maintaining communications guards on selected radio frequencies.

(10) A vessel that does not have a sufficient crew on board to weigh anchor at any time shall have two anchors in place with a mooring swivel, unless the Captain of the Port shall waive this requirement. Members of the crew may not be released until the required anchors have been set.

(11) No vessel at anchor or at a mooring within an anchorage may transfer oil to another vessel unless

the vessel has given the Captain of the Port the four hours advance notice required by § 156.118 of this title.

(12) Barges may not anchor in the deeper portions of anchorages or interfere with the anchoring of deep-draft vessels.

(13) Barges towed in tandem to an anchorage shall be nested together when anchored.

(14) Any vessel anchored or moored in an anchorage adjacent to the Chesapeake Bay Bridge Tunnel or I-664 Bridge Tunnel shall be capable of getting underway within 30 minutes with sufficient power to keep free of the bridge tunnel complex.

(15) A vessel may not anchor or moor in an anchorage adjacent to the Chesapeake Bay Bridge Tunnel or I-664 Bridge Tunnel if its steering or main propulsion equipment is impaired.

(d) *Regulations for Vessels Carrying or Handling Dangerous Cargoes or Military Explosives.* (1) Paragraph (d) of this section applies to any vessel, except a naval vessel, carrying or handling dangerous cargoes or military explosives.

(2) Unless otherwise directed by the Captain of the Port, a vessel handling or carrying dangerous cargoes or military explosives must be anchored or moored within Anchorage Berth E-1.

(3) Any vessel used in connection with loading or unloading dangerous cargo or military explosives in an anchorage, including tugs and stevedore boats, must carry a written permit issued by the Captain of the Port.

(4) The Captain of the Port may require every individual having business on board a vessel that is handling dangerous cargo or military explosives while in an anchorage, other than members of the crew, to have a pass issued by the Captain of the Port or other form of identification prescribed by the Captain of the Port.

(5) Every individual having business on board a vessel that is handling dangerous cargo or military explosives while in an anchorage, other than members of the crew, shall present the pass or identification prescribed by paragraph (d)(4) of this section to any Coast Guard boarding officer who request it.

(6) The Captain of the Port may revoke at any time a pass issued under the authority of paragraph (d)(4) of this section.

(7) A non-self-propelled vessel carrying dangerous cargo or military explosives shall have a tug in attendance at all times while at anchor.

(8) A vessel that is carrying or handling dangerous cargo or military explosives while at anchor shall display by day a red flag in a prominent location and by night a fixed red light.

(e) *Quarantine Anchorage Regulations.* (1) Anchorage Berth K-3 is the "Quarantine Anchorage".

(2) Any vessel that requires examination by quarantine, customs, or immigration authorities, but whose draft or size prevents it from using Anchorage Berth K-3, may anchor in another anchorage that it is otherwise authorized to use, if the vessel notifies the Captain of the Port and the agency that ordered the vessel to the "Quarantine Anchorage".

(f) *Regulations for Specific Anchorages.* (1) *Anchorage A.* Except for a naval vessel, military support vessel, or vessel in an emergency situation, a vessel may not anchor in Anchorage A without the permission of the Captain of the Port. The Captain of the Port shall consult with the Commander, Naval Amphibious Base Little Creek, before granting a vessel permission to anchor in Anchorage A.

(2) *Anchorages B and C.* Except for a naval vessel, a vessel may not anchor in Anchorage B or C without the permission of the Captain of the Port. The Captain of the Port shall consult with the Commander, Naval Amphibious Base Little Creek, before granting a vessel permission to anchor in Anchorage B or C.

(3) *Anchorage D.* Except for a naval vessel or vessel in an emergency situation, a vessel may not anchor in Anchorage D without the permission of the Captain of the Port. The Captain of the Port shall consult with the Commander, Naval Amphibious Base Little Creek, before granting a vessel permission to anchor in Anchorage D.

(4) *Anchorage E.* (i) A vessel may not anchor in Anchorage E without a permit issued by the Captain of the Port.

(ii) The Captain of the Port shall give commercial vessels priority over naval and public vessels.

(iii) The Captain of the Port may at any time revoke a permit to anchor in Anchorage E issued under the authority of paragraph (f)(4)(i) of this section.

(iv) A vessel may not anchor in Anchorage Berth E-1 unless it is carrying or handling dangerous cargo or military explosives.

(v) A vessel may not anchor within 500 yards of Anchorage Berth E-1 without the permission of the Captain of the Port, if the berth is occupied by a vessel carrying or handling dangerous cargo or military explosives.

(5) *Anchorage F.* A vessel less than 700 feet long or having a draft less than 40 feet may not anchor in Anchorage F without the permission of the Captain of the Port.

(6) *Anchorage G.* (i) Except for a naval vessel, a vessel may not anchor in Anchorage G without the permission of the Captain of the Port.

(ii) When handling or transferring military explosives in Anchorage G, naval vessels must comply with Department of Defense Ammunition and Explosives Safety Standards, or the standards in this section, whichever are the more stringent.

(iii) When barges and other vessels carrying military explosives are berthed at the Ammunition Barge Mooring Facility, located at latitude 36°58'34" N., longitude 76°21'12" W., no other vessel, except a vessel that is receiving or offloading military explosives, may anchor within 1,000 yards of the Ammunition Barge Mooring Facility.

(iv) Whenever a vessel is handling or transferring military explosives while at anchor in Anchorage G, no other vessel may anchor in Anchorage G without the permission of the Captain of the Port. The Captain of the Port shall consult with the Commander, Naval Base Norfolk, before granting a vessel permission to anchor in Anchorage G.

(v) A vessel located within Anchorage G may not handle or transfer military explosives within 400 yards of Norfolk Harbor Entrance Reach.

(vi) A vessel may not handle or transfer military explosives within 850 yards of another anchored vessel, unless the other vessel is also handling or transferring military explosives.

(vii) A vessel may not handle or transfer military explosives within 850 yards of Anchorage F or H.

(7) *Anchorage I—Anchorage Berths I-1 and I-2.* A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth I-1 or I-2 without the permission of the Captain of the Port.

(8) *Anchorage K—(i) Anchorage Berths K-1 and K-2.* A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth K-1 or K-2 without the permission of the Captain of the Port.

(ii) A vessel that is arriving from or departing for sea and that requires an examination by public health, customs, or immigration authorities may anchor in the Anchorage Berth K-3.

(iii) Unless directed by the Captain of the Port, a vessel that does not require an examination by public health, customs, or immigration authorities may not anchor in Anchorage Berth K-3.

(iv) Every vessel using Anchorage Berth K-3 shall be prepared to move promptly under its own power to another location when directed by the Captain of the Port, and shall promptly vacate Anchorage Berth K-3 after being examined and released by authorities.

(v) When any vessel using Anchorage Berth K-3 is under the charge of a pilot, the pilot shall remain on board while the vessel is in Anchorage Berth K-3.

(vi) Any non-self-propelled vessel using Anchorage Berth K-3 shall have a tugboat in attendance while undergoing examination by quarantine, customs, or immigration authorities, except with the permission of the Captain of the Port.

(9) *Anchorage P.* (i) A vessel waiting to be loaded may not remain in Anchorage P longer than 48 hours, except when non-availability of loading facilities, inclement weather, ice conditions, or other circumstances

beyond the vessel's control prohibit it from moving.

(ii) A vessel loaded with cargo may not remain in Anchorage P for more than 12 daylight hours without permission from the Captain of the Port.

(10) *Anchorage T.* Portions of this anchorage are a special anchorage area under § 110.72aa of this Title during marine events regulated under § 100.501 of this Title.

(11) *Anchorage U.* (i) A vessel may not anchor in Anchorage U unless it is a recreational vessel.

(ii) No float, raft, lighter, houseboat, or other craft may be laid up for any reason in Anchorage U without the permission of the Captain of the Port.

[CGD 05-88-17, 54 FR 605, Jan. 9, 1989; CGD 05-88-17, 54 FR 7190, Feb. 17, 1989, as amended by CGD 05-88-17, 54 FR 32419, Aug. 7, 1989]

§ 110.170 Lockwoods Folly Inlet, N.C.

(a) *Explosives Anchorage.* Beginning at a point southeast of Shallotte Inlet at latitude 33°52'31", longitude 78°18'49"; thence south to latitude 33°51'31", longitude 78°18'42"; thence east to latitude 33°51'51", longitude 78°14'35"; thence north to latitude 33°52'52", longitude 78°14'40"; thence west to the point of beginning.

(b) *General regulations.* (1) This anchorage is reserved for the exclusive use of vessels carrying explosives.

(2) Vessels in this anchorage shall not anchor closer than 1,500 yards to one another. This provision is not intended to prohibit barges or lighters from lying alongside vessels for transfer of cargo.

(3) The maximum quantity of explosives aboard any vessel that may be in this anchorage is 8,000 tons.

(4) Nothing in this section shall be construed as relieving the owner, master, or person in charge of any vessel from the penalties of the law for obstructing navigation or for not complying with the navigation laws in regard to lights, fog signals, etc.

[CGFR 69-1, 34 FR 839, Jan. 18, 1969]

§ 110.173 Port of Charleston, SC.

(a) *The anchorage grounds.* (1) *Commercial Anchorage A.* This anchorage is located adjacent to the western edge of Folly Island Channel and southwest

of Rebellion Reach and is bounded the following coordinates:

32°45'34" N., 79°52'12" W.; to 32°46'17" N., 79°53'21" W.; to 32°45'51" N., 79°53'23" W.; to 32°45'34" N., 79°52'55" W.; thence back to 32°45'34" N., 79°52'12" W.

(2) *Commercial Anchorage B.* This anchorage is located adjacent to the south side of South Channel and is bounded by the following coordinates:

32°45'28" N., 79°53'40" W.; to 32°45'28" N., 79°54'46" W.; to 32°45'19" N., 79°54'46" W.; to 32°45'12" N., 79°54'06" W.; to 32°45'16" N., 79°53'40" W.; thence back to 32°45'28" N., 79°53'40" W.

(3) *Commercial Anchorage C.* This anchorage is located 1800 yards, 110° true from St. Michaels Church Spire and has a diameter of 500 yards. Vessels using this anchorage must anchor in the center.

(4) *Commercial Anchorage D.* This anchorage is located 51°30' true, 1375 yards from St. Michaels Church Spire and has a diameter of 1400 feet. The use of this anchorage is limited to loaded vessels for a period of not more than 24 hours.

(b) *The regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the main ship channels as defined by broken lines marking their boundaries on NOAA Chart 11524. Vessels must be anchored in such a way as not to interfere with the free navigation of channels in the port, including Cooper, Ashley, Wando Rivers, and Town Creek, nor to obstruct the approach to any pier or entrance to any slip, nor to impede the movement of any vessel or craft.

(2) Vessels using the anchorages opposite the eastern waterfront of Charleston shall place their anchors as near as possible in the center of the anchorage. Vessels not using a designated commercial anchorage shall not place their anchors within the main ship channels, nor shall be so anchored as to swing within 400 feet of any wharf or pier on the eastern waterfront of Charleston. Vessels may be so anchored as to swing into the main ship channels only if they are a

placed with reference to the customary winds, tides, and currents of the harbor, as to swing only during slack water, and that during this period there shall remain in the waters adjacent to the channel an area of sufficient depth as to permit the safe passage of loaded vessels.

(3) No vessel may anchor within the designated anchorages for more than 72 hours without the prior approval of the Captain of the Port.

(4) No vessel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(5) If any anchored vessel is so close to another that a collision is probable, each vessel must communicate with the other vessel and the Captain of the Port on Channel 16 FM and shall act to eliminate the close proximity situation.

(6) No vessel may anchor unless it maintains the capability to get underway within 4 hours.

(7) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port.

(8) Dragging of anchors in or across main ship channels and cable areas is prohibited.

(9) Vessels which, through force of great emergency, are anchored contrary to the foregoing regulations in this section shall be shifted to new berths in accordance with such regulations at the earliest opportunity.

(10) A vessel, upon notification from the Captain of the Port to shift its position in anchorage grounds must get underway at once or signal for a tug, and must change position as directed with reasonable promptness.

(11) No vessel may conduct lightering operations in an anchorage without permission from the Captain of the Port.

(12) When the use of an anchorage is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(13) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for obstructing navigation, or for obstructing or inter-

fering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, etc.

[CGD7 83-15, 49 FR 26587, June 28, 1984]

§ 110.179 Skidaway River, Isle of Hope, Ga.

(a) *The anchorage ground.* An area in Skidaway River beginning at a point on the mean low water line 400 feet south of Brady Boat Works, thence 76°30', 300 feet to a buoy; thence 152°30', 900 feet to a buoy; thence 251°00', 450 feet to the mean low water line at Wymberly Yacht Club dock.

(b) *The regulations.* (1) Except in cases of great emergency, no vessels shall anchor in Skidaway River between the north end of Barbee's dock and southward to Day Marker 48 except in the anchorage area hereby defined and established: *Provided, however,* That vessels may moor to any lawfully constructed wharf.

(2) Except in cases of great emergency, no vessel shall be anchored where it can swing within 50 feet of any lawfully constructed wharf or within 50 feet of the mean low water line, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundary of the anchorage area.

(3) Any vessel anchoring under circumstances of great emergency outside the anchorage area should be placed in such a position as not to interfere with the free navigation of the channel nor obstruct the approach to any lawfully constructed wharf nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification of the District Commander.

(4) No vessels with an overall length greater than 65 feet will use the anchorage area except in cases of great emergency.

(5) Vessels operating within the anchorage area will not exceed a speed of five (5) miles per hour.

§ 110.182 Atlantic Ocean off Fort George Inlet, near Mayport, Fla.

(a) *The Anchorage areas*—(1) *Anchorage for aircraft carriers and other*

deep draft vessels. Four circular areas each with a radius of 600 yards and with their centers located at: "A"—latitude 30°25'35", longitude 81°21'23"; "B"—latitude 30°26'13", longitude 81°21'13"; "C"—latitude 30°26'19", longitude 81°20'27"; "D"—latitude 30°26'55", longitude 81°20'47".

(2) *Anchorage for destroyers and other ships of similar size.* Six circular areas each with a radius of 300 yards and with their centers located at: "1"—latitude 30°24'38", longitude 81°21'57"; "2"—latitude 30°24'57", longitude 81°21'58"; "3"—latitude 30°24'56", longitude 81°21'38"; "4"—latitude 30°25'13", longitude 81°22'05"; "5"—latitude 30°25'13", longitude 81°21'43"; "6"—latitude 30°25'07", longitude 81°21'24".

(3) *Explosives anchorage.* The circular area "A" described in paragraph (a)(1) of this section is also designated as an explosives anchorage for use during periods when ammunition must be handled outside the limits of the U.S. Naval Station, Mayport, Fla.

(b) *The regulations for all designated areas.* (1) Usage of these areas by naval vessels shall predominate only when necessary for military requirements; at such times other vessels shall remain clear of the areas.

(2) Prudent assignment of the anchorage areas shall be made by the Commanding Officer, U.S. Naval Station, Mayport, Fla.

(c) *Additional regulations for Explosives Anchorage Area "A".* (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(2) Only one vessel handling explosives may anchor in the area at one time. A patrol craft shall be utilized to assure that other vessels remain clear when explosives are exposed or being transferred to and from the anchorage.

(3) No more than 500,000 pounds net high explosives or equivalent may be exposed in the area at any one time.

(d) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Station, Mayport, Fla., or other agencies that he may designate.

§ 110.183 St. Johns River, Fla.

(a) *The anchorage grounds.*

(1)-(2) [Reserved]

(3) *Anchorage C.* Shoreward of a line located as follows:

Beginning at a point on the south shore westerly of the entrance to Miller Creek at longitude 81°38'15"; thence north 300 yards; thence east to longitude 81°37'40"; thence to latitude 30°19'06", longitude 81°37'27"; thence east to longitude 81°37'02"; thence south to Empire Point.

(4) *Anchorage D.* Bounded on the west by a line along the easterly side of Terminal Channel and bounded on the east by a line along the westerly side of Arlington Cut. Beginning at a point at latitude 30°19'30", longitude 81°37'25"; thence to latitude 30°20'07", longitude 81°37'18"; thence to latitude 30°20'00", longitude 81°37'05"; thence to latitude 30°19'20", longitude 81°37'17"; thence to the point of beginning. No vessels shall anchor within 300 feet of Terminal Channel or Arlington Cut.

(5) *Anchorage E.* Beginning at a point near the easterly shore of the river at latitude 30°21'42", longitude 81°36'52"; thence west to longitude 81°37'15"; thence north to latitude 30°22'07"; thence to the point of beginning.

(6) *Anchorage F.* Shoreward of a line located as follows: Beginning at a point on the east shore at latitude 30°21'42", longitude 81°36'45"; thence west to longitude 81°36'52"; thence to latitude 30°22'07", longitude 81°37'15"; thence N. 56°15' E. to the east shore.

(b) *The regulations.* (1) Anchorages A, B, D, and F are permanent anchorages. Anchorage A is reserved for deep-draft vessels, Anchorage B is reserved for shallow-draft vessels, Anchorage D is reserved for light-draft barges and schooners, and Anchorage F is reserved for deep-draft barges and schooners.

(2) Anchorage C is a temporary anchorage for deep-draft vessels. This anchorage shall be an anchorage for vessels exceeding 24 feet in draft. No vessel shall remain in the anchorage more than 24 hours without obtaining a permit from the Captain of the Port.

(3) Anchorage E shall be used only by vessels awaiting quarantine inspection, or by special permit from the Captain of the Port.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 71-162R, 38 FR 33474, Dec. 5, 1973]

§ 110.185 Atlantic Ocean, off the Port of Palm Beach, FL.

(a) The anchorage grounds. (1) Anchorage A. The waters lying within an area bounded by a line beginning at latitude 26°50'00" N., longitude 80°01'12" W.; thence westerly to latitude 26°50'00" N., longitude 80°01'30" W.; thence southerly to latitude 26°47'30" N., longitude 80°01'30" W.; thence easterly to latitude 26°47'30" N., longitude 80°01'12" W.; and thence northerly to the point of beginning.

(2) Anchorage B. The waters lying within an area bounded by a line beginning at latitude 26°45'06" N., longitude 80°01'12" W.; thence westerly to latitude 26°45'06" N., longitude 80°01'42" W.; thence southerly to latitude 26°43'48" N., longitude 80°01'42" W.; thence easterly to latitude 26°43'48" N., longitude 80°01'12" W.; and thence northerly to the point of beginning.

(b) The regulations. (1) Vessels in the Atlantic Ocean near Lake Worth Inlet awaiting berthing space at the Port of Palm Beach, shall only anchor within the anchorage areas hereby defined and established, except in cases of great emergency.

(2) Vessels anchoring under circumstances of great emergency outside the anchorage areas shall be shifted to new positions within the anchorage areas immediately after the emergency ceases.

[CGD 7-85-10, 51 FR 11726, Apr. 7, 1986]

§ 110.188 Atlantic Ocean off Miami and Miami Beach, Fla.

(a) *The anchorage grounds.* The area to the eastward of a line bearing 12° (N. 12° E.) through a point X, which is 1½ nautical miles due east of the intersection of the Miami Beach shore line with the north jetty; to the northward of a line bearing 102° (S. 78° E.) and intersecting the 12° line at a point A, one-half nautical mile north of the

said point X; and to the southward of a line bearing 102° (S. 78° E.) and intersecting the 12° line at a point B, 2½ nautical miles north of the said point X. The northern and southern extremities of the 12° line are marked by spar buoys. The entire anchorage area lies north of the entrance channel to Miami Harbor.

(b) *The rules and regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the Atlantic Ocean in the vicinity of the entrances to the approach channels leading to the cities of Miami Beach and Miami, Fla., outside of the anchorage area hereby defined and established—that is, they shall not anchor shoreward of the line first named nor southward of the second nor northward of the third line—but may anchor as far to the eastward as may be desired.

(2) Any vessel anchoring under circumstances of great emergency outside of the anchorage area shall be shifted to new berths within the area immediately after the emergency ceases.

(3) All vessels shall lie at anchor with as short a cable as conditions will permit.

(4) A vessel upon being notified to move into the anchorage limits or to shift its position on the anchorage ground must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(5) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, U.S. Coast Guard, Miami, Fla., is hereby empowered to shift the position of any vessel anchored on the anchorage ground or outside thereof, or of any vessel moored or anchored so as to impede or obstruct vessel movements or obstruct or interfere with range lights.

(6) Vessels carrying explosives shall be anchored only under a written permit issued by the Captain of the Port and at such point as he may direct.

(7) Vessels carrying explosives shall be at all times in charge of a competent person, and must display by day a red flag, of not less than 16 square

feet, at the masthead, or not less than 10 feet above the upper deck if the vessel has no mast; at night a red light shall be displayed in the positions specified for the red flag.

(8) Nothing in this paragraph shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or other aids to navigation, or for otherwise violating law.

§ 110.189a Key West Harbor, Key West, Fla., naval explosives anchorage area.

(a) *The anchorage ground.* A circular area with its center at latitude 24°30'50.6", longitude 81°50'31.6" with a radius of 300 yards, for use for ammunition exceeding the prescribed limits for pier-side handling.

(b) *The regulations.* (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(2) Only one vessel handling explosives may anchor in the area at one time.

(3) No more than 300,000 pounds net of high explosives or equivalent may be handled in the area at any one time.

(4) The regulations in this section shall be enforced by the Commander, U.S. Naval Base, Key West, Fla., and any other agencies he may designate.

§ 110.190 Tortugas Harbor, in vicinity of Garden Key, Dry Tortugas, Fla.

(a) *The anchorage grounds.* All of Bird Key Harbor, southwest of Garden Key, bounded by the surrounding reefs and shoals and, on the northeast, by a line extending from Fort Jefferson West Channel Daybeacon 2 to Fort Jefferson West Channel Daybeacon 4, thence to Fort Jefferson West Channel Daybeacon 6, and thence to Fort Jefferson West Channel Daybeacon 8.

(b) *The regulations.* Except in cases of emergency involving danger to life or property, no vessel engaged in commercial fishing or shrimping shall anchor in any of the channels harbors,

or lagoons in the vicinity of Gard Keys, Bush Key, or the surrounding shoals, outside of Bird Key Harbor.

§ 110.193 Tampa Bay, Fla.

(a) *The anchorage grounds—(1) Explosives anchorage east of Mullet Key.* A rectangular area in Tampa Bay, approximately 4,459 yards long and 1,411 yards wide, beginning at latitude 27°38'30", longitude 82°39'09", and extending northeasterly to latitude 27°39'48", longitude 82°37'15"; thence southeasterly to latitude 27°39'17", longitude 82°36'46"; thence southwesterly to latitude 27°37'52", longitude 82°38'38"; thence northwesterly to the point of beginning.

(2) *Temporary explosives anchorage south of Interbay Peninsula.* Beginning at a point bearing 107°, 1,750 yards from Cut "F" Range Front Light; thence to a point bearing 120°, 2,050 yards, from Cut "F" Range Front Light; thence to a point bearing 180°, 1,725 yards, from Cut "F" Range Front Light; thence to a point bearing 222°, 2,180 yards, from Cut "F" Range Front Light; thence to a point bearing 251°, 1,540 yards, from Cut "F" Range Front Light; and thence to the point of beginning.

(3) *Temporary explosives anchorage off Port Tampa.* A circular area with a radius of 200 yards with the point at latitude 27°50'22", longitude 82°34'15".

(4) *Quarantine Anchorage.* South-east of the temporary explosive anchorage, beginning at a point bearing 97° true, 4,370 yards, from Cut "F" Range Front Light; thence to a point bearing 113°30', 5,370 yards, from Cut "F" Range Front Light; thence to a point bearing 161°30', 3,770 yards, from Cut "F" Range Front Light; thence to a point bearing 163°30', 2,070 yards, from Cut "F" Range Front Light; thence to the point of beginning.

(5) *Barge Fleeting Area, Hillsborough Bay.* Located 400 feet west of Cut "D" Channel at a point beginning at latitude 27°54'34", longitude 82°28'35"; thence northerly 1,000 feet to latitude 27°54'43", longitude 82°28'40"; thence westerly 500 feet to latitude 27°54'41", longitude 82°28'45"; thence southerly 1,000 feet to latitude 27°54'32", longitude 82°28'40"; thence easterly 500 feet to the point of beginning.

tude 82°26'40"; thence easterly 500 feet to the point of beginning.

Note: This area is reserved for transient barges only. Barges shall not occupy this anchorage for a period longer than 96 hours unless permission is obtained from the Captain of the Port for this purpose.

(b) *The regulations.* (1) The explosives anchorage east of Mullet Key shall be used by vessels awaiting loading or unloading at Port Tampa that have explosives actually on board and where the duration of anchorage will exceed 72 hours.

(2) The temporary explosives anchorages south of Interbay Peninsula and off Port Tampa shall be used for vessels engaged in loading explosives when the duration of the anchorage is less than 72 hours.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 69-62, 34 FR 11582, July 15, 1969; 34 FR 12255, July 15, 1969]

§ 110.193a St. Joseph Bay, Fla.

(a) *The anchorage grounds*—(1) *Explosives Anchorage Area 1.* A rectangular area 3,000 yards long by 700 yards wide beginning at a point 1,350 yards west of U.S. Highway 98 Bridge over Gulf County Canal. The area is parallel to and 450 yards northeast of the north entrance channel to Port St. Joe, Florida.

(2) *Explosives Anchorage Area 2.* A circular area with a 500-yard radius around a center point located at latitude 29°47'30"; longitude 85°21'30", 3,100 yards southeast of FW South Channel Light and 5,250 yards south of FW North Channel Light, in St. Joseph Bay, Port St. Joe, Florida.

(b) *The regulations.* (1) The explosives anchorage areas shall be used as temporary anchorage for vessels engaged in loading and unloading explosives at the port of Port St. Joe, Florida, when the duration of the anchorage period is less than 96 hours.

(2) No vessel shall occupy this anchorage without obtaining a permit from the Captain of the Port.

§ 110.194 Mobile Bay, Ala., at entrance.

(a) *The anchorage grounds.* The waters within a radius of 750 yards from a point located 1,000 yards true north from Fort Morgan Light.

(b) *The regulations.* (1) This anchorage shall be used by vessels loading or discharging high explosives. It shall also be used by vessels carrying dangerous or inflammable cargoes requiring an anchorage. It may be used for a general anchorage when not required for vessels carrying explosives or dangerous or inflammable cargoes.

(2) No vessel shall occupy this anchorage without obtaining a permit from the Captain of the Port.

§ 110.194a Mobile Bay, Ala., and Mississippi Sound, Miss.

(a) *The anchorage grounds.* (1) The waters of lower Mobile Bay, near Cedar Point, within an area bounded on the north by latitude 30°21'00", on the east by longitude 88°05'00", on the south by latitude 30°20'00", and on the west by longitude 88°06'00".

(2) The waters of Mississippi Sound, south of Biloxi, within an area bounded on the north by latitude 30°20'00", on the east by longitude 88°54'00", on the south by latitude 30°19'00", and on the west by longitude 88°55'00".

(b) *The regulations.* (1) The anchorages are exclusively for the use of unmanned barges, canal boats, scows, and other nondescript vessels. Such craft shall be so anchored that they will not at any time extend outside the limits of the anchorages.

(2) In emergencies or whenever maritime or commercial interests of the United States so require, the Captain of the Port is authorized to shift the position of any craft in the anchorages.

(3) Whenever in the opinion of the Captain of the Port, such action may be necessary, any or all craft in these anchorages may be required to be moored with two or more anchors.

(4) No vessel shall be navigated within the anchorages at a speed exceeding six knots.

§ 110.194b Mississippi Sound and Gulf of Mexico, near Petit Bois Island, Miss.

(a) *The anchorage grounds*—(1) *Explosives Anchorage Area No. 1.* A circular area with a one-half mile radius with its center located at latitude 30°14'09", longitude 88°29'13", in the

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waters of Mississippi Sound north of the west end of Petit Bois Island.

(2) *Explosives Anchorage Area No. 2.* A circular area with a three-fourths mile radius with its center located at latitude 30°11'12", longitude 88°30'07", in the waters of Gulf of Mexico south of the west end of Petit Bois Island.

(b) *The regulations.* (1) The areas shall be used as temporary anchorages for vessels engaged in loading and unloading explosives at the Port of Pascagoula, Miss.

(2) No vessel shall occupy the areas without obtaining a permit from the Captain of the Port.

§ 110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.

(a) *The Anchorage Grounds.* Unless otherwise specified, all anchorage widths are measured from the average low water plane (ALWP).

(1) *Pilotown Anchorage.* An area 5.2 miles in length along the right descending bank of the river from mile 1.5 to mile 6.7 above Head of Passes, extending in width to 1600 feet from the left descending bank of the river.

CAUTION: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(2) *Lower Venice Anchorage.* An area 1.6 miles in length along the left descending bank of the river from mile 8.0 to mile 9.6 above Head of Passes with the west limit 1,200 feet from the ALWP of the right descending bank.

CAUTION: A pipeline crossing exists at mile 9.8 AHOP. Mariners are urged to use caution between mile 9.6 AHOP and mile 10.0 AHOP.

(3) *Upper Venice Anchorage.* An area 1.2 miles in length along the left descending bank of the river from mile 10.0 to mile 11.2 above Head of Passes with the west limit 1,200 feet from the ALWP of the right descending bank.

(4) *Boothville Anchorage.* An area 6.3 miles in length along the right descending bank of the river, 1,000 feet wide extending from mile 12.2 to mile 18.5 above Head of Passes.

(5) *Ostrica Anchorage.* An area 0.9 mile in length along the right descending bank of the river, 800 feet wide, ex-

tending from mile 23.5 to mile 24.1 above Head of Passes.

(6) *Port Sulphur Anchorage.* An area 2.2 miles in length along the left descending bank of the river, 800 feet wide, extending from mile 37.5 to mile 39.7 above Head of Passes.

(7) *Magnolia Anchorage.* An area 1.4 miles in length along the right descending bank of the river from mile 45.5 to mile 46.9 above Head of Passes. From mile 45.5 to mile 46.3 the area has a width of 1100 feet. From mile 46.3 to mile 46.9 the area has a width of 600 feet as measured 500 feet riverward from the right descending bank.

(8) *Davant Anchorage.* An area one mile in length along the left descending bank of the river, 800 feet wide, extending from mile 53.5 to mile 54.5 above Head of Passes.

(9) *Alliance Anchorage.* An area 2.1 miles in length along the right descending bank of the river, 800 feet wide extending from mile 63.8 to mile 65.8 above Head of Passes.

(10) *Wills Point Anchorage.* An area 1.1 miles in length along the left descending bank of the river, 800 feet wide, extending from mile 66.5 to mile 67.6 above Head of Passes.

(11) *Cedar Grove Anchorage.* An area 0.7 mile in length along the right descending bank of the river, 700 feet wide as measured 400 feet from the Low Water Reference Plane of the right descending bank extending from mile 69.9 to mile 70.6 above Head of Passes.

(12) *Belle Chasse Anchorage.* An area 2.1 miles in length along the right descending bank of the river, 1,000 feet wide, extending from mile 73.1 to mile 75.2 above Head of Passes.

(13) *Lower 12 Mile Point Anchorage.* An area 2.3 miles in length along the right descending bank of the river, 800 feet wide, extending from mile 78.5 to mile 80.8 above Head of Passes.

(14) *Lower 9 Mile Point Anchorage.* An area 2.3 miles in length along the right descending bank of the river, 800 feet wide, extending from mile 82.7 to mile 85.0 above Head of Passes.

CAUTION: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(15) *New Orleans General Anchorage.* An area .4 of a mile in length along the right descending bank of the river extending from mile 90.5 to mile 90.9 above Head of Passes. The area's width is 800 feet measured from the shore.

(16) *Quarantine Anchorage.* An area .7 mile in length along the right descending bank of the river, 800 feet wide, extending from mile 90.9 to mile 91.6 above Head of Passes.

CAUTION: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(17) *Lower Kenner Bend Anchorage.* An area .8 miles in length along the right descending bank of the river, 700 feet wide, extending from mile 113.5 to mile 114.3 above Head of Passes.

(18) *Kenner Bend Anchorage.* An area .9 mile in length along the right descending bank of the river, 700 feet wide, extending from mile 114.7 to mile 115.6 above Head of Passes.

(19) *Ama Anchorage.* An area 1.8 miles in length along the left descending bank of the river, 700 feet wide, extending from mile 115.5 to mile 117.3 above Head of Passes.

(20) *Bonnet Carre Anchorage.* An area 1.5 miles in length along the left descending bank of the river, 600 feet wide, extending from mile 127.3 to mile 128.8 above Head of Passes. This area is located adjacent to the river end of the Bonnet Carre Spillway.

(21) *La Place Anchorage.* An area 0.7 mile in length along the left descending bank of the river, 600 feet wide, extending from mile 134.7 to mile 135.4 above Head of Passes.

(22) *Reserve Anchorage.* An area 0.5 mile in length along the right descending bank of the river, 800 feet wide, extending from mile 137.0 to mile 137.5 above Head of Passes.

(23) *Lower Grand View Reach Anchorage.* An area 0.6 mile in length along the left descending bank of the river, 700 feet wide, extending from mile 146.5 to mile 147.1 above Head of Passes.

(24) *Upper Grand View Reach Anchorage.* An area 1.1 miles in length along the left descending bank of the river, 700 feet wide, extending from mile 147.7 to mile 148.8 above Head of Passes.

(25) *Lower Sunshine Anchorage.* An area 1.0 mile in length along the left descending bank of the river, 800 feet wide, extending from mile 165.0 to mile 166.0 above Head of Passes.

(26) *Upper Sunshine Anchorage.* An area 0.7 mile in length along the left descending bank of the river, 800 feet wide, extending from mile 166.3 to mile 167.0 above Head of Passes.

(27) *Baton Rouge General Anchorage.* An area 1.5 miles in length along the right descending bank of the river, 1,400 feet wide, extending from mile 225.8 to mile 227.3 above Head of Passes.

CAUTION: There are two wrecks located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(28) *Lower Baton Rouge Anchorage.* An area 0.5 mile in length near mid-channel between mile 228.5 to mile 229.0 above Head of Passes with the west limit 1100 feet off the right descending bank and having the width of 700 feet at both upper and lower limits.

(29) *Middle Baton Rouge Anchorage.* An area 0.2 mile in length near mid-channel between mile 229.6 to mile 229.8 above Head of Passes with the west limit 1100 feet off the right descending bank and having a width of 700 feet at both upper and lower limits.

(30) *Upper Baton Rouge Anchorage.* An area 0.4 mile in length near mid-channel between mile 230.6 and mile 231.0 above Head of Passes with the west limit 1100 feet off the right descending bank of the Mississippi River and having a width of 1075 feet at its upper limit and 1200 at its lower limit.

(b) *Temporary Anchorages.* (1) Temporary anchorages are non-permanent anchorages established by the Commander, Eighth Coast Guard District to provide additional anchorage space. Establishment of temporary anchorages is based on recommendations by the Captain of the Port.

(2) Each vessel using temporary anchorages shall anchor as prescribed by the Captain of the Port.

(3) Establishment of each temporary anchorage and any requirement for

the temporary anchorage will be published in the Local Notice to Mariners.

(4) Each person who has notice of any requirement prescribed for a temporary anchorage shall comply with that requirement.

(c) *The Regulations.* (1) Anchoring is prohibited outside of established anchorages except in cases of emergency. In an emergency, if it becomes necessary to anchor a vessel outside an established anchorage, the vessels shall be anchored so that it does not interfere with or endanger any facility or other vessel. The master or person in charge of the vessel shall notify the Captain of the Port of the location of the emergency anchoring by the most expeditious means and shall move the vessel as soon as the emergency is over.

(2) In an emergency, if it becomes necessary to anchor a vessel in South Pass or Southwest Pass, the vessel shall be positioned as close to the left descending bank as possible.

(3) No vessel may be anchored unless it maintains a bridge watch, guards and answers Channel 16 FM (or the appropriate VTS New Orleans sector frequency), maintains an accurate position plot and can take appropriate action to ensure the safety of the vessel, structure, and other vessels.

(4) When anchoring individually, or in fleets, vessels shall be anchored with sufficient anchors, or secured with sufficient lines, to ensure their remaining in place and withstanding the actions of winds, currents and the suction of passing vessels.

(5) No vessel may be anchored over revetted banks of the river or within any cable or pipeline area. The locations of revetted areas and cable and pipeline areas may be obtained from the District Engineer, Corps of Engineers, New Orleans, LA.

(6) The intention to transfer any cargo while in an anchorage shall be reported to the Captain of the Port, giving particulars as to name of ships involved, quantity and type of cargo, and expected duration of the operation. The Captain of the Port shall be notified upon completion of operations. Cargo transfer operations are not permitted in the New Orleans General or Quarantine Anchorages.

Bunkering and similar operations related to ship's stores are exempt from reporting requirements.

NOTE: Activities conducted within a designated anchorage (e.g. cargo transfer, cleaning, stack blowing, etc.) may be restricted by other Federal, State or local regulations. Owners, or persons in charge of any vessel should consider all safety and environmental regulations prior to engaging in any activity within designated anchorages.

(7) Nothing in this section relieves the owner or person in charge of a vessel from the penalties for obstructing or interfering with navigation, navigational aids or for failing to comply with the navigation laws, lights, day shapes, or fog signals and any other applicable laws and regulations.

(8) Vessels carrying cargoes of particular hazard as defined in 33 CFR 126.10 or cargoes of petroleum products in bulk may not be anchored in the New Orleans General Anchorage (a)(12) or Quarantine Anchorage (a)(13) without permission from the Captain of the Port.

(9) Except when required by the United States Public Health Service for quarantine inspection, the Quarantine Anchorage, (a)(13), may be used as a general anchorage.

(10) When the Bonnet Carré Spillway is open, no vessel may be anchored in the Bonnet Carré Anchorage (a)(16).

[CGD 77-028, 46 FR 49850, Oct. 8, 1981, amended by CGD 77-028, 47 FR 12793, Mar. 25, 1982; CCGD 8-82-02, 47 FR 53367, Mar. 26, 1982; CCGD 8-82-13, 48 FR 11260, Mar. 17, 1983; CCGD 8-82-19, 48 FR 53697, Mar. 29, 1983; CGD 8-84-21, 50 FR 25710, Jun. 21, 1985; CGD 8-83-10, 50 FR 26989, July 1985; CGD8-85-02, 50 FR 39269, July 1985; CGD8-87-06, 52 FR 37614, Oct. 1987; CGD8-88-17, 53 FR 50404, Dec. 1988]

§ 110.196 Sabine Pass Channel, Sabine Pass, Tex.

(a) *The anchorage area.* The navigable waters of Sabine Pass within a trapezoidal area 1,500 feet wide and varying uniformly in length from 5,800 feet to 3,000 feet with the long side adjacent to the northeast.

edge of Sabine Pass Channel at a location opposite the town of Sabine Pass.

(b) *The regulations.* (1) The anchorage area is for the temporary use of vessels of all types, but especially for naval and merchant vessels awaiting weather and tidal conditions favorable to the resumption of their voyages.

(2) Except when stress of weather or adverse tides or currents make sailing impractical or hazardous, vessels shall not anchor in the anchorage area for periods exceeding 48 hours unless expressly authorized by the Captain of the Port to anchor for longer periods.

(3) Vessels shall not anchor so as to obstruct the passage of other vessels proceeding to or from available anchorage spaces.

(4) Anchors shall not be placed channelward from the anchorage area, and no portion of the hull or rigging of any anchored vessel shall extend channelward from the limits of the anchorage area.

(5) Vessels using spuds for anchors shall anchor as close to shore as practicable having due regard for the provisions in paragraph (b)(3) of this section.

(6) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or moorings in place are prohibited.

(7) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored or moored within or outside of the anchorage area including any vessel which is moored or anchored so as to obstruct navigation or interfere with range lights.

§ 110.197 Galveston Harbor, Bolivar Roads Channel, Texas.

(a)(1) Anchorage area (A). The water bounded by a line connecting the following points:

Latitude	Longitude
29°20'48.5" N	94°42'54.0" W
29°20'43.0" N	94°44'46.5" W
29°21'15.0" N	94°44'27.0" W
29°21'05.0" N	94°42'52.0" W

and thence to the point of beginning.

(2) Anchorage area (B). The water bounded by a line connecting the following points:

Latitude	Longitude
29°20'43.0" N	94°44'46.5" W
29°20'37.0" N	94°46'08.0" W
29°21'14.0" N	94°45'50.0" W
29°21'15.0" N	94°44'27.0" W

and thence to the point of beginning.

(b) *The regulations.* (1) The anchorage area is for the temporary use of vessels of all types, but especially for naval and merchant vessels awaiting weather and other conditions favorable to the resumption of their voyages.

(2) Except when stress of weather makes sailing impractical or hazardous, vessels shall not anchor in anchorage area (A) exceeding 48 hours unless expressly authorized by the Captain of the Port to anchor for such longer periods.

(3) No vessel with a draft of less than 22 feet may occupy anchorage (A) without prior approval of the Captain of the Port.

(4) Vessels shall not anchor so as to obstruct the passage of other vessels proceeding to or from available anchorage spaces.

(5) Anchors shall not be placed in the channel and no portion of the hull or rigging of any anchored vessel shall extend outside the limits of the anchorage area.

(6) Vessels using spuds for anchors shall anchor as close to shore as practicable, having due regard for the provisions in paragraph (b)(4) of this section.

(7) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or moorings in place, are prohibited.

(8) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, or his authorized representative, is hereby empowered to direct the movement of any vessel anchored or moored within the anchorage area.

[CCGD8-85-21, 55 FR 11389, Mar. 28, 1990]

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§ 110.205 Chicago Harbor, Ill.

(a) *The anchorage grounds*—(1) *Anchorage A, exterior breakwater.* Southwest of a line parallel with and 150 feet southwestward of the exterior breakwater; west of a line parallel with and 150 feet west of the south extension of the exterior breakwater; northeast of a line parallel with and 1,500 feet southwestward of the exterior breakwater; and east of a line parallel with the south extension of the exterior breakwater and 500 feet eastward of the east face of the filtration plant.

(2) *Anchorage B, south arm.* West of a line parallel with and 150 feet west of the south arm of the exterior breakwater; north of a line perpendicular to the south arm at its south end; east of a line parallel with the south arm, about 2,200 feet therefrom and on line with the east face of the Municipal Pier; and south of a line perpendicular to the south arm 700 feet from its north end.

(3) *Anchorage C, shore arm.* South of a line parallel with and 150 feet southward of the shore arm of the exterior breakwater; west of a line parallel with the south extension of the exterior breakwater, 100 feet westward of the east end of the shore arm; northwest of a line perpendicular to the Lake Shore Drive revetment and 300 feet northwest of the northwest corner of the filtration plant; and east of a line parallel with and 600 feet lakeward of the Lake Shore Drive revetment.

(4) *Anchorage D, Chicago Harbor Lock South.* Beginning at a point 35.5 feet South (16 feet South of the South face of the Southeast guidewall) and 28.0 feet West of the SE Guide Wall Light; thence Westerly and parallel to the guidewall 800 feet to a point that is 16 feet South of the South face of the Southeast guidewall; thence Southerly 80 feet to a point that is 96 feet South of the South face of the Southeast guidewall; thence Easterly 800 feet to a point that is 96 feet South of the south face of the southeast guidewall; thence Northerly 80 feet to the point of beginning.

(5) *Anchorage E, Chicago Harbor Lock North.* Beginning at a point 156.75 feet North (16 feet North of the

North face of the Northeast guidewall) and 590 feet West of the SE Guide Wall Light; thence Westerly and parallel to the guidewall 600 feet to a point that is 16 feet North of the North face of the Northeast guidewall; thence Northerly 80 Feet to a point that is 96 feet North of the North face of the Northeast guidewall; thence Easterly 600 feet to a point that is 16 feet North of the North face of the Northeast guidewall; thence Southerly 80 feet to the point of beginning.

(b) *The rules and regulations.* Except in cases of emergency, no vessel may be anchored in Chicago Harbor outside of the anchorage grounds in paragraph (a) of this section or the special anchorage areas prescribed in § 110.83.

(2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(3) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(4) The maneuvering of a vessel by means of a dragged anchor, except within an established anchorage ground or in stress of weather or to avoid collision, is prohibited. Unnecessary maneuvering in any of the anchorage grounds is prohibited.

(5) The directions of the Captain of the Port assigning vessels to particular anchorage grounds suitable to their draft, requiring vessels to anchor bow and stern, requiring shifting the anchorage of any vessel within any anchorage ground for the common convenience, or for otherwise enforcing this section, shall be promptly executed by owners, masters, and persons in charge of vessels.

(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from

the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(7) No vessel may use anchorages A, B, D, and E except commercial vessels operated for profit. No person may place floats or buoys for making moorings or anchors in place in anchorages A and B. No person may place fixed moorings piles or stakes in anchorages A and B. (Mooring facilities are available adjacent to the lakeside guidewalls of the Chicago Harbor Lock in anchorages D and E.) All vessels using anchorages D and E shall moor against pile clusters adjacent to the respective anchorage.

Any time barges are moored in anchorage D or E, a manned towing vessel shall be present in one of these anchorages. Exceptions to this surveillance requirement are allowable for periods not to exceed one hour.

(8) No commercial vessels operated for profit that measure 50 gross tons or more may anchor in anchorage C. Temporary floats or buoys for marking moorings or anchors in place may be used in anchorage C. No person may place a fixed mooring pile or stake in anchorage C.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGFR 70-65a, 36 FR 7967, Apr. 28, 1971; CGD9-85-01, 50 FR 29224, July 18, 1985]

§ 110.206 Detroit River, Michigan.

(a) *The Anchorage grounds.* Belle Isle Anchorage. The area is in the Detroit River immediately downstream from Belle Isle on the the U.S. side of the International Boundary lying within the following boundaries: beginning at a point bearing 250 T, 5400 feet from the James Scott Memorial Fountain (42° 20' 06" N. 82° 59' 57" W.) at the West end of Belle Isle; then 251 T, 3000 feet; thence 341 T, 800 feet; thence 071 T, 3000 feet; thence 161 T, 800 feet to the point of beginning.

(b) *The regulations.* (1) Vessels shall be anchored so as not to swing into the channel or across steering courses.

(2) The Belle Isle Anchorage area is for the temporary use of vessels of all types, but especially for naval and

merchant vessels awaiting berths, weather, or other conditions favorable to the resumption of their voyage.

(3) No vessel may be anchored unless it maintains a continuous bridge watch, guards and answers channel 16 FM and channel 12 FM (VTC SARNIA sector frequency), maintains an accurate position plot and can take appropriate action to ensure the safety of the vessel, structures and other vessels.

(4) Vessels may not anchor in the Belle Isle Anchorage for more than 72 hours without permission of the Captain of the Port of Detroit.

[CGD09 85-05, 51 FR 21357, June 12, 1986]

§ 110.207 Cleveland Harbor, Ohio.

(a) *The anchorage grounds.*—(1) *West anchorage.* The northwesterly portion of the West Basin between the northwest limits of the West Basin and a line parallel to and 1,050 feet distant from the West Breakwater; and from the southwest limits of the West Basin to a line perpendicular to the West Breakwater, 2,050 feet southwesterly along the West Breakwater from Cleveland West Breakwater Light.

(2) *East anchorage.* The southeasterly portion of the East Basin between the mainland and a line parallel to and 1,250 feet distant from the East Breakwater; from opposite Cleveland East Entrance Light to a due north line passing through the flashing white light on the Allied Oil Company dock.

(3) *Explosives anchorage.* In Lake Erie, northwest of Cleveland Harbor East Breakwater, and including a rectangular area marked by four white spar buoys at the following true bearings and distances from Cleveland East Pierhead Light: 38° 30', 2,050 feet; 68°, 2,050 feet; 57°, 7,050 feet; and 49°, 7,050 feet.

(b) *The regulations.* (1) The west and east anchorages are general anchorages.

(2) Use of the explosives anchorage shall be subject to the supervision of the Captain of the Port.

§ 110.208 Buffalo Harbor, N.Y.

(a) *The anchorage grounds.*—(1) *Explosives Anchorage A.* Inside the south

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section of the main breakwater 700 feet wide starting at a point 500 feet southerly from the south end of the north section and extending approximately 153° true, 3,000 feet parallel to the line of the south section of the main breakwater.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 77-210, 44 FR 50040, Aug. 27, 1979]

§ 110.210 San Diego Harbor, California.

(a) *The anchorage grounds*—(1) *Special anchorage for U.S. Government vessels.* Shoreward of a line extending from Ballast Point Light approximately 351°30' to the shore end of the Quarantine Dock.

(2) *"B" Street Merchant Vessel Anchorage.* Due west from the southwest corner of the "B" Street pierhead to latitude 32°43'00", longitude 117°11'00"; thence northeasterly to latitude 32°43'20", longitude 117°10'51"; thence due east to the shoreline; thence following the shoreline and pier to the point of beginning.

(b) *The regulations.* (1) The special anchorage described in paragraph (a)(1) of this section is reserved exclusively for the anchorage of vessels of the United States Government and of authorized harbor pilot boats. No other vessels shall anchor in this area except by special permission obtained in advance from the Commander, Naval Base, San Diego, California.

(2) The area described in paragraph (a)(2) of this section is reserved for the use of merchant vessels calling at the Port of San Diego while awaiting a berth.

(3) Vessels anchoring in San Diego Harbor shall leave a free passage for other craft and shall not unreasonably obstruct the approaches to the wharves in the harbor.

NOTE: Mariners anchoring in San Diego Harbor should consult applicable local ordinances of the San Diego Unified Port District.

[CCGD11-85-06, 51 FR 19753, June 2, 1986]

§ 110.212 Newport Bay Harbor, Calif.

(a) *The anchorage grounds*—(1) *Temporary Anchorage C-1.* Southeast of a line parallel to and 170 feet from the pierhead line at the east end of Lido

Isle; north of a line parallel to and 200 feet north of a line bearing 266° from Newport Bay Channel Light 11, this line being the north line of the main fairway; northwest of a line 120 feet in length bearing 203° from the point of the pierhead line off the west end of Harbor Island; and southwest of the pierhead line off the northeast shore of Lido Isle extended.

(2) *Temporary Anchorage C-2.* A parallelogram-shaped area, 100 feet wide and 400 feet long, lying 100 feet bayward from and parallel to the existing pierhead line, and adjoining and on the north side of Anchorage C-1 described in paragraph (a)(3) of this section.

(i) Vessels may anchor temporarily in Temporary Anchorages C-1 and C-2 when necessary and space permits, but shall move promptly when the necessity passes or upon order of the harbor master.

(ii) Vessels anchoring in Temporary Anchorages C-1 and C-2 shall comply with all applicable Pilot Rules, including that requiring anchor lights at night.

(iii) Floats or buoys for marking anchors or mooring in place and fixed mooring piles or stakes are prohibited.

(3) *Anchorage C-3.* A parallelogram-shaped area, 100 feet wide and 500 feet long, lying 100 feet bayward from and parallel to the existing pierhead line, and adjoining and on the south side of Temporary Anchorage C-2 described in paragraph (a)(2) of this section.

(i) This area is reserved for recreational and other small craft.

(ii) Fore and aft moorings will be allowed in this area conforming to Orange County Harbor Ordinance No. 490 and other local harbor regulations for recreational and small craft of such size and alignment as permitted by the harbor master.

(iii) All vessels using this area are required to maintain anchor lights from sunset to sunrise.

(b) *The regulations.* (1) Vessels may anchor temporarily in these areas when necessary and space permits, but shall move promptly when the necessity passes or upon order of the harbor master.

(2) Vessels anchoring in these areas shall comply with all applicable Pilot

Rules, including that requiring anchor lights at night.

(3) Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CCGD11-85-02, 51 FR 2883, Jan 22, 1985]

§ 110.214 Los Angeles and Long Beach Harbors, Calif.

(a) *The anchorage grounds*—(1) *Commercial Anchorage A (Los Angeles Harbor)*. An area enclosed by a line beginning at Los Angeles Light, latitude 33°42'30.8" N., longitude 118°15'02.3" W.; thence northerly to latitude 33°42'50.2" N., longitude 118°15'40.0" W.; thence along the southern edge of the Deep Channel Fairway, which is described as follows:

Latitude	Longitude
33°42'45.1" N.	118°16'03.9" W.
33°42'37.9" N.	118°16'08.9" W.
33°42'35.6" N.	118°16'18.9" W.
33°42'37.7" N.	118°16'23.3" W.
33°42'45.2" N.	118°16'25.7" W.
33°42'50.8" N.	118°16'35.4" W.
33°42'48.6" N.	118°16'38.4" W.

thence along the eastern boundary of General Anchorage N to the San Pedro Breakwater at latitude 33°42'26.8" N., longitude 118°16'30.9" W.; thence southeasterly and easterly along the San Pedro Breakwater to the beginning point.

(i) In this anchorage the requirements of commercial ships conducting bunkering operations shall predominate.

(ii) Lightering operations are prohibited in this anchorage.

(iii) No vessel may anchor in this anchorage for a period longer than 24 hours without permission from the Captain of the Port.

(2) *Commercial Anchorage B (Los Angeles and Long Beach Harbors)*. An area enclosed by a line beginning at the southwestern corner of Reservation Point at latitude 33°43'18.0" N., longitude 118°16'00.2" W.; thence east southeasterly to latitude 33°43'13.8" N., longitude 118°15'51.4" W.; thence northeasterly to latitude 33°44'00.9" N., longitude 118°13'11.2" W.; thence northwesterly to the southern edge of the eastern extension of the Naval

Base Mole at latitude 33°44'32.3" N., longitude 118°13'24.3" W.; thence southwesterly along the Naval Base Mole to Naval Base Mole Light 2 at latitude 33°44'25.5" N., longitude 118°13'49.0" W.; thence northwesterly along the Naval Base Mole to latitude 33°44'37.1" N., longitude 118°14'34.0" W.; thence southeasterly to latitude 33°44'14.2" N., longitude 118°14'25.0" W.; thence southwesterly to the east end of breakwater extension of the south containment dike, latitude 33°44'07.8" N., longitude 118°14'45.7" W.; thence southwesterly along the southern edge of the south containment dike to Fish Harbor Channel Light #3 at latitude 33°43'48.8" N., longitude 118°15'52.7" W.; thence west southwesterly along the southern edge of Fish Harbor west jetty until it intersects Reservation Point; thence along the eastern and southern shoreline of Reservation Point to the beginning point.

(i) In this anchorage the requirements of commercial vessels shall predominate.

(ii) Bunkering operations are permitted in this anchorage.

(iii) Lightering operations are prohibited in this anchorage.

(iv) Anchorage B may be used by any vessel granted an extended anchorage permit in accordance with paragraph (b)(6) of this section.

(v) Each vessel in this anchorage shall be anchored in such a position as not to interfere with the free navigation of the Fish Harbor Channel.

(3) *Commercial Anchorage C (Los Angeles and Long Beach Harbors)*. An area enclosed by a line beginning at Lost Angeles Main Channel Entrance Light 2, latitude 33°42'38.8" N., longitude 118°14'37.5" W.; thence northwesterly to the southernmost point of Commercial Anchorage B, latitude 33°43'13.8" N., longitude 118°15'51.4" W.; thence northeasterly to latitude 33°44'12.1" N., longitude 118°12'32.3" W.; thence southeasterly to Long Beach Light, latitude 33°43'23.5" N., longitude 118°11'09.4" W.; thence westerly along the Middle Breakwater to the beginning point.

(i) In this anchorage the requirements of commercial vessels shall predominate. In the eastern portion of

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this anchorage, within the area defined by the 18m (approximately 59 ft.) depth curve, the requirements of vessels over 244m (approximately 800 ft.) in length overall or having a draft over 12m (approximately 39 ft.) shall predominate. Each lesser draft vessel shall anchor away from this deeper portion of the anchorage so as not to interfere with the anchoring of vessels having a draft over 12m (approximately 39 ft.).

(ii) Bunkering and lightering operations are permitted in this anchorage.

(iii) In the eastern portion of this anchorage, within the area defined by the 18m (approximately 59 ft.) depth curve, no vessel may anchor for longer than 48 hours without permission from the Captain of the Port.

(4) Commercial Anchorage D (Long Beach Harbor). The waters bounded by a line connecting the following points:

Latitude	Longitude
33°43'23.5"N	118°10'51.2"W
33°43'23.5"N	118°09'50.4"W
33°44'25.8"N	118°09'50.2"W
33°44'18.9"N	118°11'10.5"W
33°44'10.9"N	118°11'07.7"W
33°43'58.3"N	118°11'07.7"W
33°43'58.6"N	118°11'44.7"W

and thence to the point of beginning.
Datum: NAD 83

(i) In this anchorage the requirements of commercial ships over 244m (approximately 800 ft.) shall predominate.

(ii) Bunkering and lightering operations are permitted in this anchorage.

NOTE: A portion of this anchorage is within the Explosives Anchorage Area, when the explosive anchorage is activated by the Captain of the Port. See § 110.214(a)(17).

(5) Commercial Anchorage E (Long Beach Harbor). An area enclosed by a line beginning at the southeastern point of Pier J at latitude 33°44'18.6" N., longitude 118°11'06.7" W.; thence northerly to latitude 33°45'06.5" N., longitude 118°11'06.7" W.; thence easterly to the southern lighted marker on Island White at latitude 33°45'06.3" N., longitude 118°09'31.0" W.; thence southeasterly to latitude 33°44'35.5" N., longitude 118°08'10.1" W.; thence

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southerly to latitude 33°44'19.0" N., longitude 118°08'10.1" W.; thence westerly to the southwest lighted marker on Island Chaffee at latitude 33°44'20.0" N., longitude 118°08'20.0" W.; thence westerly to the southeast lighted marker on Island Freeman at latitude 33°44'23.6" N., longitude 118°09'39.1" W.; thence along the south shore of Island Freeman to the southwest lighted marker at latitude 33°44'25.2" N., longitude 118°09'46.0" W.; thence westerly to the beginning point.

(i) In this anchorage the requirements of commercial ships shall predominate.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

NOTE: A portion of this Anchorage is within the Explosive Anchorage Area, when the explosive anchorage is activated by the Captain of the Port. See § 110.214(a)(17).

(6) Commercial Anchorage F (Outside of Long Beach Breakwater). The area southeast of the Long Beach Breakwater enclosed by a line beginning at latitude 33°43'05.1"N., longitude 118°07'56.2"W.; thence westerly to latitude 33°43'05.1"N., longitude 118°10'33.5"W.; thence southeasterly to latitude 33°40'23.3"N., longitude 118°08'32.5"W.; thence easterly to latitude 33°40'23.3"N., longitude 118°06'00.0"W.; thence to the beginning point.

(i) In this anchorage the requirements of commercial ships over 244m (approximately 800 ft.) in length overall or having a draft over 12 meters (approximately 39 ft.) shall predominate.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

NOTE: A portion of this anchorage is within the Explosive Anchorage Area, when the explosive anchorage is activated by the Captain of the Port. See § 110.214(a)(17).

(7) Commercial Anchorage G (Outside of the Middle Breakwater). The area south of the middle breakwater enclosed by a line beginning at latitude 33°43'05.3"N., longitude 118°11'15.3"W.; thence westerly to latitude 33°43'05.3"N., longitude

118°12'15.7"W.; thence southwesterly parallel to the breakwater to latitude 33°42'25.9"N., longitude 118°14'16.0"W.; thence southeasterly to latitude 33°41'40.5"N., longitude 118°13'02.0"W.; thence northeasterly to latitude 33°42'08.6"N., longitude 118°11'33.8"W.; thence to the beginning point.

(i) In this anchorage the requirements of commercial ships shall predominate.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

(8) *Naval Anchorage J (Long Beach Harbor)*. An area enclosed by a line beginning at Naval Base Mole Light 5, latitude 33°44'40.0"N., longitude 118°12'59.8"W.; thence west southwest along the southerly edge of the Naval Base Mole to latitude 33°44'32.3"N., longitude 118°13'24.3"W.; thence southeasterly along a line perpendicular to the Naval Base Mole which is the eastern boundary of Commercial Anchorage B to the northern boundary of Commercial Anchorage C at latitude 33°44'00.9"N., longitude 118°13'11.2"W.; thence northeasterly along the northern boundary of Commercial Anchorage C until that line intersects the western edge of the Long Beach Channel at latitude 33°44'12.1"N., longitude 118°12'32.3"W.; thence northwesterly along the western edge of the Long Beach Channel to the beginning point.

(i) In this anchorage the requirements of the U.S. Navy shall predominate.

(ii) No recreational or commercial vessel may anchor in this anchorage without first obtaining permission from the Captain of the Port.

(iii) Bunkering and lightering operations are prohibited in this anchorage.

(9) *Naval Anchorage K (Long Beach Harbor)*. An area enclosed by a line beginning at Long Beach Breakwater East End Light 1, latitude 33°43'23.5"N., longitude 118°08'10.1"W.; thence northerly to latitude 33°44'19.0"N., longitude 118°08'10.1"W.; thence westerly to the Southwest Lighted Marker on Island Chaffee at latitude 33°44'20.0"N., longitude 118°08'20.0"W.; thence westerly to the Southeast Lighted Marker on Island Freeman at

latitude 33°44'23.6"N., longitude 118°09'39.1"W.; thence along the southern shore to the Southwest Lighted Marker on Island Freeman at latitude 33°44'25.2"N., longitude 118°09'46.0"W.; thence southerly to the Long Beach Breakwater at latitude 33°43'23.5"N., longitude 118°09'46.4"W.; thence easterly along the Long Beach Breakwater to the beginning point.

(i) In this anchorage the requirements of the U.S. Navy shall predominate.

(ii) No recreational or commercial vessel may anchor in this anchorage without first obtaining permission from the Captain of the Port. When granting permission, preference will be given to the requirements of vessels over 244m (approximately 800 ft.) in length.

(iii) Bunkering operations are permitted in this anchorage.

(iv) Lightering operations are prohibited in this anchorage.

(v) This anchorage may be designated an explosive anchorage. See § 110.214(a)(17).

(10) *General Anchorage N (Los Angeles Harbor)*. An area enclosed by a line beginning at latitude 33°43'04.0"N., longitude 118°16'44.4"W.; thence southerly to the San Pedro Breakwater at latitude 33°42'26.8"N., longitude 118°16'30.9"W.; thence along the San Pedro shoreline to the beginning point.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Anchoring, mooring, and recreational boating activities conforming to applicable City of Los Angeles ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

(11) *General Anchorage O (Los Angeles Harbor)*. An area enclosed by a line beginning at the east end of the south containment dike breakwater extension, latitude 33°44'07.8"N., longitude 118°14'45.7"W.; thence southwesterly to the intersection of the south and east containment dikes, latitude 33°44'04.6"N., longitude 118°14'56.9"W.; thence northwesterly along the east containment dike to the Terminal Island shoreline, latitude 33°44'37.9"

N., longitude 118°15'10.9" W.; thence along the Terminal Island shoreline to latitude 33°44'37.1" N., longitude 118°14'34.0" W.; thence southeasterly to latitude 33°44'14.2" N., longitude 118°14'25.0" W.; thence southwesterly to the beginning point.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Anchorage, mooring, and boating activities conforming to applicable City of Los Angeles ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

(12) *General Anchorage P (Long Beach Harbor)*. An area enclosed by a line beginning at Alamitos Bay West Jetty Light "1" at latitude 33°44'14.2" N., longitude 118°07'16.2" W.; thence northwesterly to the northwest corner of Nonanchorage W at latitude 33°44'20.6" N., longitude 118°07'28.5" W.; thence northwesterly to the southern lighted marker on Island White at latitude 33°45'06.3" N., longitude 118°09'31.0" W.; thence along the eastern shoreline of Island White to the northern lighted marker at latitude 33°45'13.5" N., longitude 118°09'31.0" W.; thence northwesterly to latitude 33°45'37.1" N., longitude 118°10'35.5" W.; thence northerly to the shoreline at latitude 33°45'49.6" N., longitude 118°10'35.5" W.; thence easterly and southerly along the Long Beach shoreline and the Alamitos Bay west jetty to the beginning point.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Anchoring, mooring and recreational boating activities conforming to applicable City of Long Beach ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

(13) *General Anchorage Q (Long Beach Harbor/Alamitos Bay/Anaheim Bay)*. Beginning at the northeastern corner of Commercial Anchorage E at latitude 33°44'35.5" N., longitude 118°08'10.1" W.; thence southeasterly to the northwestern corner of Nonanchorage W at latitude 33°44'20.6" N., longitude 118°07'28.5" W.; thence along the southern boundary of Nonanchorage W (a semicircle with a 460m (approximately 1,509 ft.) radius

that is centered mid-channel on a line between Alamitos Bay West Jetty Light 1 and Alamitos Bay Jetty Light 2) to latitude 33°44'04.6" N., longitude 118°06'58.2" W.; thence northwesterly to Alamitos Bay East Jetty Light 2, latitude 33°44'11.3" N., longitude 118°07'09.8" W.; thence northeasterly along the eastern edge of the Alamitos Bay East Jetty 460m (approximately 1,509 ft.) to latitude 33°44'23.9" N., longitude 118°07'01.1" W.; thence easterly to the southern most point of the east bank of the San Gabriel River at latitude 33°44'22.8" N., longitude 118°06'53.7" W.; thence along the southern shoreline of Seal Beach until the shoreline intersects the Anaheim Bay West Jetty; thence along the western edge of the Anaheim Bay West Jetty to the Anaheim Bay Light 5, latitude 33°43'39.1" N., longitude 118°06'03.3" W.; thence westerly to the southeast corner of Nonanchorage V at latitude 33°43'27.3" N., longitude 118°07'36.8" W.; thence northwesterly to the northeast corner of Nonanchorage V at latitude 33°43'38.4" N., longitude 118°07'45.5" W.; thence westerly to the northwest corner of Nonanchorage V at latitude 33°43'38.4" N., longitude 118°08'10.1" W.; thence to the beginning point.

(i) Bunkering and lightering operations are prohibited in this anchorage.

NOTE: A portion of this anchorage is within the Explosive Anchorage Area, where the explosive anchorage is activated by the Captain of the Port. See § 110.214.(a)(17).

(14) *Nonanchorage U (Los Angeles Harbor)*. An area enclosed by a line beginning at latitude 33°44'00.0" N., longitude 118°15'12.2" W.; thence southerly to latitude 33°43'48.7" N., longitude 118°15'06.4" W.; thence easterly to latitude 33°43'49.7" N., longitude 118°15'03.9" W.; thence northerly to latitude 33°44'01.1" N., longitude 118°15'09.2" W.; thence along the south containment dike to the beginning point.

(i) No vessel may anchor or moor in this anchorage.

(ii) Dragging, seining, fishing operations, and other activities which might foul underwater installation

within this nonanchorage area are prohibited.

NOTE: This nonanchorage is established for protection of a submerged outfall of sewer pipeline.

(15) *Nonanchorage V (Long Beach Harbor)*. An area enclosed by a line beginning at Long Beach Breakwater East End Light 1, latitude 33°43'23.5" N., longitude 118°08'10.1" W.; thence northerly to latitude 33°43'38.4" N., longitude 118°08'10.1" W.; thence easterly to latitude 33°43'38.4" N., longitude 118°07'45.5" W.; thence southeasterly to latitude 33°43'27.3" N., longitude 118°07'36.8" W.; thence to the beginning point.

(i) No vessel may anchor or moor in this nonanchorage.

(ii) Dragging, seining, fishing operations, and other activities which might foul underwater installations within this nonanchorage are prohibited.

NOTE: This nonanchorage is established for protection of a submerged pipeline.

(16) *Nonanchorage W (Mouth of Entrance Channel to Alamitos Bay)*. Nonanchorage Area W is a semicircle with a 460m (approximately 1,509 ft.) radius that is centered at midchannel on a line between Alamitos Bay West Jetty Light 1 and Alamitos Bay East Jetty Light 2 and which extends seaward from that line.

(i) No vessel may anchor or moor in this nonanchorage.

(17) *Explosives Anchorage (Long Beach Harbor)*. A circular area with its center at latitude 33°43'37.0" N., longitude 118°09'02.5" W., and a radius of 1,746m (approximately 5,725 ft.).

(i) No vessel containing more than 600 metric tons (approximately 749 tons) of explosives may anchor in this anchorage.

(ii) Each anchored vessel loading, unloading, or laden with explosives, must display a red flag of at least 1.2 square meters (approximately 16 square feet) in size by day, and at night the flag must be illuminated by spotlight.

(iii) When a vessel displaying the signal required by § 110.214(a)(17)(ii) occupies the Explosives Anchorage, no other vessel may anchor within the Explosives Anchorage.

NOTE: When the Explosives Anchorage is activated, Anchorage K and portions of Anchorage D, E, F, and Q are encompassed by the Explosives Anchorage.

(18) *Nonanchorage X (Long Beach Harbor, Mouth of the Los Angeles River (Queensway Bay))*. The waters extending westward and northward to the head of navigation from a line beginning at the southeastern point of Pier J at latitude 33°44'18.6" N., longitude 118°11'06.7" W.; thence northerly to latitude 33°45'06.5" N., longitude 118°11'06.7" W.; thence easterly to the southern lighted marker on Island White at latitude 33°45'06.3" N., longitude 118°09'31.0" W.; thence along the eastern shoreline of Island White to the northern lighted marker at latitude 33°45'13.5" N., longitude 118°09'31.0" W.; thence northwesterly to latitude 33°45'37.1" N., longitude 118°10'35.5" W.; thence northerly to the shoreline at latitude 33°45'49.6" N., longitude 118°10'35.5" W.

(i) In Nonanchorage X the requirements of recreational and other small craft shall predominate.

(ii) No vessel may anchor in this area.

(iii) Mooring and recreational boating activities which conform to applicable City of Long Beach ordinances and regulations adopted pursuant thereto are allowed in Nonanchorage X.

(b) *General regulations*. (1) Within Los Angeles and Long Beach Harbors and the U.S. navigable waters of the Los Angeles-Long Beach Precautionary Zone, anchoring is prohibited outside of designated anchorages except:

(i) In cases of emergency; or

(ii) Unless specific permission is obtained from the Captain of the Port to anchor outside of a designated anchorage.

(2) When, due to an emergency, a vessel is anchored outside of a designated anchorage the master or person in charge of the vessel shall:

(i) Position the vessel so that it does not interfere with or endanger any facility or other vessel;

(ii) Notify the Captain of the Port of the location of and reason for emergency anchoring; and

(iii) Move the vessel as soon as the emergency is over.

(3) Upon anchoring within and departure from an anchorage the master or person in charge of a vessel shall notify the Captain of the Port by the most expeditious means.

NOTE: The Captain of the Port guards VHF-FM Channel 16 (156.8 MHz).

(4) The master or person in charge of each anchored vessel unable to get underway within 4 hours shall:

(i) Notify the Captain of the Port by the most expeditious means; and

(ii) Ensure a second anchor is backed out and ready for use.

(5) The Captain of the Port may require a vessel in an anchorage to have a watchman on board at all times.

(6) Except as otherwise prescribed in this section, no vessel may occupy an anchorage inside of the San Pedro-Long Beach Breakwater for more than 10 consecutive days unless an extended anchorage permit is granted by the Captain of the Port. In determining whether an extended anchorage permit will be granted, consideration will be given, but not limited, to the current and anticipated demand for anchorage space within the harbor, the length of time requested and the reason for the request.

NOTE: Commercial Anchorages A and C have additional time restrictions. See § 110.214(a)(1)(iii) and § 110.214(a)(3)(iii).

(7) The Captain of the Port may permit vessels to anchor in channels. Permission is not necessary for vessels engaged on works of river and harbor improvement under the supervision of the District Engineer, Corps of Engineers, if the District Engineer has notified the Captain of the Port in advance of all such proposed work.

(8) No vessel may be anchored so that it will swing within 60m (approximately 197 ft.) of any permanent improvements except in an emergency.

(9) No anchor may be placed outside the anchorages, nor may any vessel be so anchored that any portion of its hull or rigging extends outside the boundaries of the anchorages.

(10) No vessel may be anchored in any anchorage in such a manner as to interfere with the use of an authorized mooring buoy.

(11) The master or person in charge of each vessel to be lightered shall

notify the Captain of the Port by the most expeditious means when the lightering vessel arrives alongside and again when the lightering vessel departs.

NOTE: The Captain of the Port guards VHF-FM Channel 16 (156.8 MHz).

(12) No vessel while carrying, loading, or unloading explosives; in accordance with 46 CFR 146.29-13; or cargo of particular hazard as listed in § 126.10 of this chapter, may be anchored in an anchorage without permission from the Captain of the Port.

NOTE: In granting such permission, the Captain of the Port will be guided by the current and future activities in the harbor and safety problems relating to such anchorage. The Captain of the Port will advise the Port of Long Beach Authorities and the Port of Los Angeles Authorities of anchorage assignments under the following conditions:

(i) Cargoes of Particular Hazard as defined in Sec. 126.10 of this chapter, any amount.

(ii) Explosives, Class "B" (as defined in 46 CFR 173.88), in excess of 1 net ton at any one time.

(iii) Explosives, Class "C" (as defined in 46 CFR 173.100), in excess of 10 net tons at any one time.

(iv) Military Explosives (as defined in 46 CFR 146.29), any amount.

(13) No vessel being dismantled, or undergoing major alterations may anchor in an anchorage without permission of the Captain of the Port.

(14) The Captain of the Port may, upon request, authorize a deviation from any rule in this section if that officer determines the proposed operations can be done safely.

(15) Nothing in this section may be construed as relieving any vessel from the penalties of law for obstructing navigation or for not complying with the navigation laws or any other laws or regulations.

[CGD 77-227, 45 FR 30432, May 8, 1980, as amended by CGD 11-80-08, 47 FR 19319, May 6, 1982; CGD 11-82-01, 47 FR 56354, Dec. 16, 1982; CGD 82-046, 48 FR 1958, Jan. 17, 1983; CGD 11-85-02, 51 FR 2883, Jan. 22, 1986; CGD 11-89-14, 55 FR 154, Jan. 1, 1990]

§ 110.215 Anaheim Bay Harbor, California: U.S. Naval Weapons Station, Seal Beach, California; Naval Explosives Anchorage.

(a) *The anchorage ground.* The waters of Anaheim Bay Harbor between the east side of the Entrance Channel and the East Jetty, and the west side of the Entrance Channel and the West Jetty as outlined in the following two sections:

Latitude	Longitude
(1) <i>East Side:</i>	
33°44'03.0" N	118°05'35.0" W
33°43'53.0" N	118°05'15.0" W
33°43'49.0" N	118°05'18.0" W
33°43'36.5" N	118°05'56.0" W
33°43'37.0" N	118°05'57.0" W
33°44'03.0" N	118°05'35.0" W

Latitude	Longitude
(2) <i>West Side:</i>	
33°44'05.0" N	118°05'40.0" W
33°44'06.0" N	118°05'56.5" W
33°44'01.0" N	118°06'01.0" W
33°43'40.5" N	118°06'03.0" W
33°43'39.5" N	118°06'02.0" W
33°44'05.0" N	118°05'40.0" W

(b) *The regulations.* (1) This area is reserved for use of naval vessels carrying or transferring ammunition or explosives under standard military restrictions as established by the Safety Manual, Armed Service Explosives Board.

(2) No pleasure or commercial craft shall navigate or anchor within this area at any time without first obtaining permission from the Commanding Officer, Naval Weapons Station, Seal Beach, California. This officer will extend full cooperation relating to public use of the area and will fully consider every reasonable request for the passage of small craft in light of requirements for national security and safety of persons and property.

(3) Nothing in this section shall be construed as relieving the owner or operator of any vessel from the regulations contained in § 204.195 of Title 33, covering navigation in Anaheim Bay Harbor.

(4) The regulations in this section shall be administered by the Com-

manding Officer U.S. Naval Weapons Station, Seal Beach, California and by such agencies as he may designate, and enforced by the Captain of the Port, Los Angeles-Long Beach, California.

[CGD11-87-07, 53 FR 878, Jan. 14, 1988]

§ 110.216 Pacific Ocean at Santa Catalina Island, Calif.

(a) *The anchorage grounds*—(1) *Descanso Bay.* Shoreward of a line connecting the promontories known as White Rock and Casino Point.

(2) *Isthmus Cove.* All waters shoreward of a line connecting the promontories known as Lion Head and Blue Cavern Point, excluding the following-described non-anchor area: An area 300 feet wide (170 feet west and 130 feet east of the centerline of the Catalina Island Steamship Line pier), extending 1,600 feet from the root of the pier, and an area 150 feet seaward of the shore line extending approximately 1,500 feet east and 1,500 feet north-west of the centerline of said pier.

(b) *The regulations.* (1) The Descanso Bay anchorage is reserved for yachts and other small craft. Floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(2) The Isthmus Cove anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(3) The non-anchorage area described in paragraph (a)(2) of this section shall be used only by commercial vessels. Commercial vessels of 15 feet draft or over may anchor in this area seaward of the Catalina Island Steamship Line pier during hours between sunrise and sunset. The use of this area for anchorage is forbidden to all other craft at all times. Fixed mooring piles or stakes and floats or buoys for marking anchors or moorings in place are prohibited.

(4) The instructions of the Captain of the Port requiring vessels to anchor bow and stern, or with two bow anchors, or requiring shifting the an-

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chorage of any vessel within the anchorage grounds for the common safety or convenience, or for otherwise enforcing the regulations in this section, shall be promptly complied with by owners, masters, and persons in charge of vessels.

(5) Nothing in this section shall be construed as relieving the owner or person in charge of any vessels or plant from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

§ 110.218 Pacific Ocean at San Clemente Island, Calif.; in vicinity of Wilson Cove.

(a) *The anchorage grounds.* Shoreward on a line beginning at a point on the beach bearing 153° true, 1,400 yards, from Wilson Cove Light; thence 62° true, 0.67 nautical mile, thence 332° true, 1.63 nautical miles; thence 241°31' true to the shore line.

(b) *The regulations.* (1) This area is reserved exclusively for anchorage of United States Government vessels or vessels temporarily operating under Government direction, and no vessel, except in an emergency, shall anchor in the area without first obtaining permission from the Commandant, Eleventh Naval District, or the Senior Naval Officer present who shall in turn notify the Commandant promptly.

(2) No vessel shall anchor in such a manner as to unreasonably obstruct the approach to the wharf.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CCGD11-85-02, 51 FR 2883, Jan 22, 1986]

§ 110.220 Pacific Ocean at San Nicolas Island, Calif.; restricted anchorage areas.

(a) *The restricted areas—(1) East area.* All waters within a circle having a radius of one nautical mile centered at latitude 33°13'45", longitude 119°25'50" (the former position of San Nicolas Island East End Light), which point bears approximately 101°, 420 yards, from San Nicolas Island East End Light.

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(2) *West area.* Shoreward of a line bearing 276° true from San Nicolas Island south side light a distance of six nautical miles; thence to a point bearing 270° true, two nautical miles from the westernmost point of the island; thence 60° to a point due north of the northernmost point of the island; thence 180° true to the shore.

(b) *The regulations.* Except in an emergency, no vessel shall anchor in these restricted areas without authority of the Commandant, Eleventh Naval District. Cargo vessels destined for San Nicolas Island may anchor in the east area for unloading or loading.

§ 110.222 Pacific Ocean at Santa Barbara Island, Calif.

(a) *The anchorage grounds.* Shoreward of a line beginning at the Santa Barbara Island Light on the northeast end of the island and bearing 23° true a distance of 1.515 nautical miles seaward from the beach; thence 140°30' true, 2.54 nautical miles; thence 212°30' true, 2.30 nautical miles; thence 296°30' true, 0.96 nautical mile; and thence 325° true to the beach.

(b) *The regulations.* The anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors in place will be permitted in this area.

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, Calif.

(a) *General regulations.* (1) Within the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River Deep Water Channel, the Stockton Turning Basin, the Sacramento River Deep Water Ship Channel between Suisun Bay and the east end of the West Sacramento Turning Basin, and connecting waters, anchoring is prohibited outside of designated anchorages except when required for safety or with the written permission of the Captain of the Port. Each vessel anchoring outside an established anchorage area shall immediately notify the Captain of the Port of her position and reason for anchoring.

(2) No vessel may permanently moor in areas adjacent to the San Joaquin River Deep Water Channel except with the written permission of the Captain of the Port.

(3) Each vessel anchoring for safety reasons in the San Joaquin River Deep Water Channel, the Sacramento River Deep Water Ship Channel, or the Stockton or West Sacramento Turning Basins shall be positioned as near to the edge of the channel or turning basin as possible so as not to interfere with navigation, or obstruct the approach to any pier, wharf, slip, or boat harbor and shall move as soon as the reason for anchoring no longer exists or when notified to move by the Captain of the Port.

(4) No vessel may anchor within a tunnel, cable, or pipeline area shown on a Government chart.

(5) No vessel may moor, anchor, or tie up to any pier, wharf, or other vessel in such a manner as to extend into an adjacent channel or fairway.

(6) No vessel in such a condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels may occupy an anchorage, except when unforeseen circumstances create conditions of imminent peril to personnel and then only for such period as may be authorized by the Captain of the Port.

(7) Each vessel carrying explosives shall only anchor in an explosives anchorage except as authorized by paragraph (a)(1) or (a)(17) of this section.

(8) No vessel other than a vessel under Federal supervision may go alongside or in any manner moor to any Government-owned vessel, mooring buoy, or pontoon boom, their anchor cables, or any of their appendages. No vessel other than a vessel under Federal supervision may obstruct or interfere in any manner with the mooring, unmooring, or servicing of vessels owned by the United States.

(9) The Captain of the Port may require any vessel in a designated anchorage area to moor with two or more anchors.

(10) Each vessel that will not have sufficient personnel on board to weigh anchor at any time shall anchor with two anchors with mooring swivel,

unless otherwise authorized by the Captain of the Port.

(11) Deep-draft vessels shall take precedence over vessels of lighter draft in the deeper portions of all anchorages. Light-draft barges and vessels shall anchor away from the deeper portions of the anchorage so as not to interfere with the anchoring of deep-draft vessels. Should circumstances warrant, the Captain of the Port may require lighter draft vessels to move to provide safe anchorage, particularly in Anchorages 7 and 9, for deep-draft vessels.

(12) Barges towed in tandem to any anchorage shall nest together when anchoring.

(13) Each vessel that is notified by the Captain of the Port or his authorized representative to shift her position shall promptly shift her position.

(14) No person may use these anchorages for any purpose other than the purpose stated in these anchorage regulations.

(15) Where these regulations require that a vessel notify the Captain of the Port, the operator of the vessel shall transmit such report to the San Francisco Vessel Traffic Service.

NOTE: Vessel Traffic Service guards VHF-FM Channel 13 (156.65 MHz) and Channel 16 (156.8 MHz).

(16) Nothing in this section may be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing or interfering with range lights or for not complying with the laws relating to lights, day signals, and fog signals and other navigation laws and regulations.

(17) The District Engineer, Corps of Engineers, may issue written permission for anchoring a single barge carrying explosives in quantities considered by the District Engineer as safe and necessary in the vicinity of work being done directly under the District Engineer supervision or under a Department of the Army permit. When issuing such a permit, the District Engineer shall prescribe the conditions under which the explosives must be stored and handled and shall furnish a copy of the permit and a copy of the

rules and regulations for storing and handling to the Captain of the Port.

(b) *Naval anchorages.* In addition to the general regulations in paragraph (a) of this section, the following regulations apply to each naval anchorage described in this section.

(1) Naval anchorages are intended for public vessels of the United States, but may be used by other vessels when not required for use by public vessels.

(2) Other vessels using a naval anchorage shall promptly notify the Captain of the Port upon anchoring and upon departure and shall be prepared to move within one hour upon notice should the anchorage be required for public vessels.

(c) *Explosive anchorages.* In addition to the general regulations in paragraph (a) of this section, the following regulations apply to each explosives anchorage described in this section.

(1) Explosives anchorages and, where established, surrounding forbidden anchorage zones, are temporarily activated as needed by the Captain of the Port. When not activated, explosives anchorages and surrounding forbidden anchorage zones become part of the general anchorage which encompasses them or, if not located within the boundaries of a general anchorage, become available for general navigation.

(2) Notice of activation and deactivation of explosives anchorages will be disseminated by Coast Guard Broadcast Notice to Mariners.

(3) Each vessel which anchors in an explosives anchorage or surrounding forbidden anchorage zone while such anchorage is not activated shall be prepared to move within one hour if the anchorage is activated.

(4) Unless otherwise authorized by the Captain of the Port:

(i) No vessel may anchor in an activated explosives anchorage except vessels loaded with, loading, or unloading explosives.

(ii) No vessel may enter or remain in an activated explosives anchorage except (A) vessels loaded with, loading or unloading explosives, (B) lighters or barges delivering cargo to or from such vessels, or (C) a tug authorized by paragraph (c)(7)(iii) of this section.

(iii) No vessel carrying explosives or on which explosives are to be loaded may enter or remain in an activated explosives anchorage without written permission from the Captain of the Port. Such a permit must be obtained before entering the anchorage and may be revoked at any time.

(iv) No vessel may anchor in the forbidden anchorage zone surrounding an activated explosives anchorage.

(5) Each vessel loaded with, loading, or unloading explosives, while within an explosives anchorage, shall display by day at her masthead, or at least 10 feet above the upper deck if the vessel has no mast, a red flag at least 10 square feet in area.

(6) Each passing vessel shall reduce speed as necessary so as to insure that its wake does not interfere with cargo transfer operations aboard any vessel displaying a red flag in an explosives anchorage.

(7) The Captain of the Port may:

(i) Issue permission to any vessel carrying flammable solids, oxidizing materials, corrosive liquids, flammable liquids, compressed gases, or poisonous substances to occupy a berth in an activated explosives anchorage. Such a permit must be obtained before entering the anchorage and may be revoked at any time.

(ii) Require any person having business on board a vessel which is loaded with, loading, or unloading explosives to have a document that is acceptable to the Coast Guard for identification purposes and to show that document to the Captain of the Port.

(iii) Require a non-self-propelled vessel, or a self-propelled vessel that is unable to maneuver under its own power, that occupies an activated explosives anchorage to be attended by a tug.

(d) *Anchorage grounds.* (1) Table 110.224(d)(1) lists anchorage grounds, identifies the purpose of each anchorage, and contains specific regulations applicable to certain anchorages.

(2) The geographic boundaries of each anchorage are contained in paragraph (e) of this section.

TABLE 110.224(d)(1)

Anchor- age No.	General location	Purpose	Specific regulations
4	San Francisco Bay	General	Notes a,b
5	do	do	Do
6	do	do	Note a
7	do	do	Notes a,b,c,d,e
8	do	do	Notes a,b
9	do	do	Do
10	do	Naval	Note a
12	do	Explo- sives	Notes a,f
13	do	do	Notes a,e,g
14	do	do	Notes a,f,h
18	San Pablo Bay	General	
19	do	do	Notes b,i
20	do	do	
21	do	Naval	
22	Carquinez Strait	General	
23	Berkeley	General	Notes c,d,e,i
24	Carquinez Strait	General	Note j
25	Suisun Bay	do	Note k
27	do	do	
28	San Joaquin River	do	
30	do	Explo- sives	

NOTES: a. When sustained winds are in excess of 25 knots each vessel greater than 300 gross tons using this anchorage shall maintain a continuous radio watch on VHF channel 13 (156.65 MHz) or, if unavailable, VHF channel 16 (156.80 MHz). This radio watch must be maintained by a person who fluently speaks the English language.

b. Each vessel using this anchorage may not project into adjacent channels or fairways.

c. This anchorage is primarily for use by vessels requiring a temporary anchorage waiting to proceed to pier facilities or other anchorage grounds. This anchorage may not be used by vessels for the purpose of loading any dangerous cargoes or combustible liquids unless authorized by the Captain of the Port.

d. Each vessel using this anchorage may not remain for more than 12 hours unless authorized by the Captain of the Port.

e. Each vessel using this anchorage shall be prepared to move within 1 hour upon notification by the Captain of the Port.

f. The maximum total quantity of explosives that may be on board a vessel using this anchorage shall be limited to 2,000 tons.

g. The maximum total quantity of explosives that may be on board a vessel using this anchorage shall be limited to 50 tons except that, with the written permission of the Captain of the Port, each vessel in transit, loaded with explosives in excess of 50 tons, may anchor temporarily in this anchorage provided that the hatches to the holds containing explosives are not opened.

h. Each vessel using this anchorage will be assigned a berth by the Captain of the Port on the basis of the maximum quantity of explosives that will be on board the vessel.

i. See § 204.215 of this title establishing a target practice area in San Pablo Bay adjacent to the western shore of Mare Island for use of the Mare Island Navy Yard.

j. Each vessel using this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.

k. See § 162.270 of this title establishing restricted areas in the vicinity of the Maritime Administration Reserve Fleet.

l. Vessels using this anchorage must exceed 15 feet draft, have engines on standby, and have a pilot on board.

(e) Boundaries.

(1) *Anchorage No. 4.* Bounded by the west shore of San Francisco Bay and the following lines: Beginning on the shore southwest of Point San Quentin

at latitude 37°56'28" N., longitude 122°28'54" W.; thence east-southeasterly to latitude 37°55'55" N., longitude 122°26'49" W.; thence southwesterly to latitude 37°54'13" N., longitude 122°27'24" W.; thence southeasterly to the shore of Tiburon Peninsula at Point Chauncey at latitude 37°53'40.5" N., longitude 122°26'55" W. When Explosives Anchorage No. 13 is activated by the Captain of the Port, it and the forbidden anchorage zone surrounding it are excluded from Anchorage No. 4.

(2) *Anchorage No. 5, Southamptton Shoal.* In San Francisco Bay at Southamptton Shoal bounded by a line connecting the following coordinates:

Latitude	Longitude
37°55'48" N.	122°25'52" W; to
37°55'50" N.	122°26'32" W; to
37°54'49" N.	122°26'39" W; to
37°54'03" N.	122°26'06" W; to
37°53'25" N.	122°25'30" W; to
37°53'23" N.	122°25'09" W; to
37°55'19" N.	122°25'33" W; to
37°55'42" N.	122°25'45" W; thence back to
37°55'48" N.	122°25'52" W.

(3) *Anchorage No. 6.* Bounded by the east shore of San Francisco Bay and the following lines: Beginning at the shore of the southernmost extremity of Point Isabel at latitude 37°53'46" N., longitude 122°19'19" W.; thence westerly along the north shore of Brooks Island to the jetty extending westerly therefrom; thence westerly along the jetty to its bayward end at latitude 37°54'13" N., longitude 122°23'27" W.; thence south-southeasterly to latitude 37°49'53" N.; longitude 122°21'39" W.; thence southeasterly to latitude 37°49'32.5" N., longitude 122°21'20.5" W.; thence easterly to latitude 37°49'34" N., longitude 122°20'13" W.; thence east-southeasterly to latitude 37°49'30" N., longitude 122°19'45.5" W.; thence east-northeasterly to the shore at Emeryville at latitude 37°50'04" N., longitude 122°17'41" W.; excluding from this area, however, the channel to Berkeley Marina delineated by lines joining the following points:

Latitude	Longitude
37°52'08" N.,	122°19'07" W.
37°52'03" N.,	122°19'17.5" W.
37°52'00" N.,	122°19'15.5" W.
37°51'01" N.,	122°22'07" W.
37°50'43" N.,	122°22'00" W.
37°50'53" N.,	122°21'32" W.
37°51'47" N.,	122°18'59" W.

(4) *Anchorage No. 7, Treasure Island.* In San Francisco Bay at Treasure Island bounded a line connecting the following coordinates:

Latitude	Longitude
37°49'36" N.,	122°22'40" W. to
37°50'00" N.,	122°22'57" W. to
37°50'00" N.,	122°23'44" W. to
37°49'22.5" N.,	122°23'44" W. to
37°48'40.5" N.,	122°22'38" W. to
37°49'00.0" N.,	122°22'16" W. thence along the shore to
37°49'36" N.,	122°22'40" W.

(5) *Anchorage No. 8.* In San Francisco Bay bounded by the west shore of the Naval Air Station, Alameda, and the following lines: Beginning at Oakland Inner Harbor Light 2 at latitude 37°47'52" N., longitude 122°19'54" W.; thence west-southwesterly to latitude 37°48'03" N., longitude 122°20'57.5" W.; thence south-southwesterly to latitude 37°47'56" N., longitude 122°21'22.5" W.; thence southwesterly to latitude 37°47'26" N., longitude 122°21'41" W.; thence south-southeasterly to latitude 37°47'00" N., longitude 122°21'30" W.; thence southeasterly to Alameda Naval Air Station Channel Entrance Lighted Bell Buoy 1 at latitude 37°46'38" N., longitude 122°20'24" W.; thence easterly to latitude 37°46'37" N., longitude 122°19'56" W.; thence northerly to the shore of the Naval Air Station, Alameda, at latitude 37°46'57" N., longitude 122°19'52.5" W.

(6) *Anchorage No. 9.* In San Francisco Bay bounded on the north by the shore, the breakwater and turning basin at the Alameda Naval Air Station and a line beginning at the Alameda Naval Air Station Channel Light 6 at latitude 37°46'23" N., longitude 122°19'02" W.; thence westerly to the Alameda Naval Air Station Channel Entrance Lighted Buoy 2 at latitude 37°46'27" N., longitude 122°20'24.5" W.;

thence west-southwesterly to the Francisco Bay South Channel Lighted Buoy 1 at latitude 37°46'08" N., longitude 122°21'45" W.; thence south-southeasterly to San Bruno Shoal Channel Light 1 at latitude 37°41'41" N., longitude 122°20'17.5" W.; thence south-southeasterly to San Bruno Shoal Channel Light 5 at latitude 37°38'37" N., longitude 122°18'43" W.; thence southeasterly to latitude 37°36'05" N., longitude 122°14'13.5" W.; thence east-northeasterly to the shore at latitude 37°37'38.5" N., longitude 122°09'02" W., and bounded on the east by the shore; including all of Sausalito Bay excluding the pipeline areas therein. When Explosives Anchorage No. 12 or No. 14 is activated by the Captain of the Port, that anchorage and the forbidden anchorage zone surrounding it are excluded from Anchorage No. 9.

(7) *Anchorage No. 10.* In San Francisco Bay bounded by the east shore of Sausalito and the following lines: Beginning on the shore of Sausalito at latitude 37°51'20" N., longitude 122°28'38" W.; thence southeasterly to latitude 37°50'57.5" N., longitude 122°27'57" W.; thence southwesterly to the shore of Sausalito at latitude 37°50'36" N., longitude 122°28'34" W.

(8) *Anchorage No. 12.* In San Francisco Bay east of the city of San Francisco a circular area having a radius of 500 yards centered at latitude 37°44'32.5" N., longitude 122°20'27.5" W. A 667-yard-wide forbidden anchorage zone surrounds this anchorage.

(9) *Anchorage No. 13.* In San Francisco Bay east of the Tiburon Peninsula a circular area having a radius of 333 yards centered at latitude 37°55'26" N., longitude 122°27'27" W. A 667-yard-wide forbidden anchorage zone surrounds this anchorage except where such zone would extend beyond the limits of Anchorage No. 4.

NOTE: See § 110.224(e)(2) for a description of Anchorage No. 4.

(10) *Anchorage No. 14.* In San Francisco Bay east of Hunters Point a rectangular area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles, with radii of 500 yards at each center, respectively at latitude 37°42'52" N., longitude 122°19'32.5" W.

and latitude 37°42'14" N., longitude 122°18'47" W.; and the side boundaries of which are parallel tangents joining the semicircles. A 667-yard-wide forbidden anchorage zone surrounds this anchorage.

(11) *Anchorage No. 18.* In San Pablo Bay bounded by the west shore of San Pablo Bay and the following lines: Beginning at the shore at Point San Pedro at latitude 37°59'16" N., longitude 122°26'47" W.; thence easterly to latitude 37°59'16" N., longitude 122°26'26" W.; thence northerly to latitude 38°03'46" N., longitude 122°25'52.5" W.; thence northwesterly to the shore south of the entrance to Novato Creek at latitude 38°05'13.5" N., longitude 122°29'04" W.; excluding from this area, however, the channel to Hamilton Field and the extension of this channel easterly to the boundary of the anchorage, and the pipeline area therein.

(12) *Anchorage No. 19.* In San Pablo Bay bounded by the northeast shore of San Pablo Bay and the following lines: Beginning at the shore of Tubbs Island at latitude 38°07'39" N., longitude 122°25'18" W.; thence southerly to latitude 38°00'36" N., longitude 122°25'20" W.; thence northeasterly to latitude 38°03'13" N., longitude 122°19'46" W.; thence east-northeasterly to latitude 38°03'37" N., longitude 122°17'13" W.; thence northerly to the long dike extending southwesterly from Mare Island at latitude 38°03'52.5" N., longitude 122°17'10" W.; thence along the long dike to the shore at Mare Island.

(13) *Anchorage No. 20.* In San Pablo Bay bounded by the southeast shore of San Pablo Bay and the following lines: Beginning at the northeast corner of Parr Terminal No. 4 at Point San Pablo at latitude 37°57'59" N., longitude 122°25'35" W.; thence northeasterly to latitude 38°01'27.5" N., longitude 122°21'33" W.; thence east-northeasterly to the Union Oil Co. pier at Oleum at latitude 38°03'18" N., longitude 122°15'37" W.; and thence along this pier to the shore.

(14) *Anchorage No. 21.* In San Pablo Bay south of Mare Island a rectangular area beginning at latitude 38°03'56" N., longitude 122°15'56" W.; thence westerly to latitude 38°04'02" N., longi-

tude 122°15'20" W.; thence southerly to latitude 38°03'48" N., longitude 122°15'16" W.; thence westerly to latitude 38°03'42" N., longitude 122°15'52" W.; thence northerly to the point of beginning.

(15) *Anchorage No. 22, Carquinez Strait.* In Carquinez Strait an area bounded by a line connecting the following coordinates:

Latitude	Longitude
38°02'36.8" N.	122°09'59" W; to
38°02'06.6" N.	122°09'46.7" W; to
38°01'53.8" N.	122°09'00" W; to
38°02'33.9" N.	122°09'00" W; thence back to
38°02'36.8" N.	122°09'59" W.

(16) *Anchorage No. 23, Benicia.* In Carquinez Strait an area bounded by a line connecting the following coordinates:

Latitude	Longitude
38°02'33.9" N.	122°09'00" W; to
38°01'53.8" N.	122°09'00" W; to
38°01'57.4" N.	122°08'19.3" W; to
38°02'33" N.	122°08'18.6" W; thence back to
38°02'33.9" N.	122°09'00" W.

(17) *Anchorage No. 24.* Bounded by the north shore of Carquinez Strait and the following lines: Beginning on the shore at Dillion Point at latitude 38°03'44" N., longitude 122°11'29" W.; thence southeasterly to latitude 38°03'34" N., longitude 122°11'10" W.; thence south-southeasterly to latitude 38°03'17" N., longitude 122°11'04" W.; thence southeasterly to the shore of Benicia at latitude 38°02'37.5" N., longitude 122°09'55" W.

(18) *Anchorage No. 26.* On the west side of Suisun Bay, adjacent to and northeast of the city of Benicia within the following boundaries: Beginning on the shore northeast of Army Point at latitude 38°02'54" N., longitude 122°07'37" W.; thence south-southeasterly along the Southern Pacific bridge to latitude 38°02'38" N., longitude 122°07'24" W.; thence easterly to latitude 38°02'42" N., longitude 122°07'07.5" W.; thence northeasterly

to latitude 38°05'42" N., longitude 122°04'06" W.; thence northwesterly to the shore at latitude 38°05'58" N., longitude 122°04'28" W.; thence along the shore to the point of beginning.

(19) *Anchorage No. 27.* In the northeast portion of Suisun Bay bounded by the north shore and the following lines: Beginning on the shore of Grizzly Island at latitude 38°08'13" N., longitude 122°02'42.5" W.; thence southerly to tripod at Preston Point on Roe Island at latitude 38°04'16" N., longitude 122°02'42" W.; thence along the south shore of Roe Island to latitude 38°04'05" N., longitude 122°01'35" W.; thence east-southeasterly to latitude 38°03'42.5" N., longitude 121°58'54" W.; thence easterly to the shore of Chipps Island at latitude 38°03'42.5" N., longitude 121°55'05" W.

(20) *Anchorage No. 28.* The area bounded on the east by the shore of Lower Sherman Island and the following lines: Beginning at Point Sacramento on Lower Sherman Island at latitude 38°03'45" N., longitude 121°50'17.5" W.; thence southwesterly to latitude 38°03'37.5" N., longitude 121°50'31" W.; thence south-southeasterly to latitude 38°02'11" N., longitude 121°49'58" W.; thence to the shore of Lower Sherman Island at latitude 38°02'23" N., longitude 121°49'49" W.

(21) *Anchorage No. 30.* The portion of the Old San Joaquin River Channel bounded on the west by the shore of Mandeville Point and the following lines: Beginning on the shore of Mandeville Point at latitude 38°04'01" N., longitude 121°32'05" W.; thence northeasterly to latitude 38°04'07.5" N., longitude 121°31'58" W.; thence southeasterly to latitude 38°03'47" N., longitude 121°31'42.5" W.; thence westerly to the shore of Mandeville Point at latitude 38°03'47.5" N., longitude 121°31'56" W.

[CGD12 84-07, 51 FR 12315, Apr. 10, 1986; 51 FR 15322, Apr. 23, 1986; as amended by CGD12 86-13, 52 FR 11646, Apr. 10, 1987; CGD11-88-03, 53 FR 17028, May 13, 1988; CGD11-88-01, 53 FR 20618, June 6, 1988; CGD11-88-04, 53 FR 37557, Sept. 27, 1988]

§ 110.228 Columbia River, Oregon and Washington.

(a) *The anchorage grounds.*—(1) *Astoria North Anchorage.* An area en-

closed by a line beginning north of Astoria, Oregon, at latitude 46°11'47" N., longitude 123°49'39" W.; thence continuing northerly to latitude 46°17'00" N., longitude 123°49'35" W.; thence northeasterly to latitude 46°13'18" N., longitude 123°46'23" W.; thence southerly to latitude 46°13'01" N., longitude 123°46'12" W.; thence southwesterly to latitude 46°11'52" N., longitude 123°49'13" W.; thence westerly to the point of beginning.

(2) *Astoria South Anchorage.* An area enclosed by a line beginning north of Astoria, Oregon, at latitude 46°11'00" N., longitude 123°48'59" W.; thence continuing northerly to latitude 46°11'00" N., longitude 123°49'08" W.; thence northeasterly to latitude 46°13'00" N., longitude 123°45'50" W.; thence northeasterly to latitude 46°13'07" N., longitude 123°45'37" W.; thence southerly to latitude 46°12'56" N., longitude 123°45'30" W.; thence southwesterly to latitude 46°12'24" N., longitude 123°46'33" W.; thence southwesterly to latitude 46°12'07" N., longitude 123°47'24" W.; thence southwesterly to the point of beginning.

(3) *Longview Anchorage.* An area enclosed by a line beginning southeast of Longview, Washington, at latitude 46°07'15" N., longitude 122°59'06" W.; thence continuing northeasterly to latitude 46°07'23" N., longitude 122°58'56" W.; thence southeasterly to latitude 46°06'58" N., longitude 122°58'20" W.; thence southeasterly to latitude 46°06'42" N., longitude 122°57'56" W.; thence southerly to latitude 46°06'33" N., longitude 122°58'00" W.; thence westerly to latitude 46°06'35" N., longitude 122°58'10" W.; thence northwesterly to latitude 46°06'42" N., longitude 122°58'23" W.; thence northwesterly to the point of beginning.

(4) *Kalama Anchorage.* An area enclosed by a line beginning northeast of Sandy Island at latitude 46°00'59" N., longitude 122°51'31" W.; thence continuing southeasterly to latitude 46°00'55" N., longitude 122°51'27" W.; thence southeasterly to latitude 46°00'36" N., longitude 122°51'11" W.; thence southerly to latitude 45°59'00" N., longitude 122°50'48" W.; thence westerly to latitude 45°59'39" N., longitude 122°50'59" W.; thence northerly

latitude 46°00'35" N, longitude 122°51'26" W; thence northwesterly to latitude 46°00'52" N, longitude 122°51'41" W; thence northeasterly to the point of beginning.

(5) *Woodland Anchorage*. An area enclosed by a line beginning east of Columbia City, Oregon, at latitude 45°53'56" N, longitude 122°48'13" W; thence continuing easterly to latitude 45°53'58" N, longitude 122°47'58" W; thence southerly to latitude 45°53'29" N, longitude 122°47'41" W; thence westerly to latitude 45°53'21" N, longitude 122°47'59" W; thence northerly to latitude 45°53'42" N, longitude 122°48'09" W; thence northerly to the point of beginning.

(6) *Henrici Bar Anchorage*. An area enclosed by a line beginning near the mouth of Bachelor Slough at latitude 45°47'25" N, longitude 122°46'45" W; thence continuing southeasterly to latitude 45°46'46" N, longitude 122°46'10" W; thence southeasterly to latitude 45°46'26" N, longitude 122°45'56" W; thence southerly to latitude 45°46'04" N, longitude 122°45'46" W; thence southerly to latitude 45°45'42" N, longitude 122°45'41" W; thence southerly to latitude 45°45'38" N, longitude 122°45'41" W; thence westerly to latitude 45°45'38" N, longitude 122°45'48" W; thence northerly to latitude 45°46'17" N, longitude 122°46'06" W; thence northwesterly to latitude 45°47'21" N, longitude 122°46'55" W; thence northeasterly to the point of beginning.

(7) *Willow Bar Anchorage*. An area enclosed by a line beginning northeast of Reeder Point at latitude 45°43'41" N, longitude 122°45'36" W; thence continuing easterly to latitude 45°43'40" N, longitude 122°45'26" W; thence southerly to latitude 45°41'28" N, longitude 122°46'12" W; thence westerly to latitude 45°41'30" N, longitude 122°46'22" W; thence northerly to the point of beginning.

(8) *Kelley Point Anchorage*. An area enclosed by a line beginning east of Kelley Point at latitude 45°39'07" N, longitude 122°45'36" W; thence continuing northeasterly to latitude 45°39'11" N, longitude 122°45'32" W; thence southerly to latitude 45°39'03" N, longitude 122°45'17" W; thence westerly to latitude 45°38'58" N, longi-

tude 122°45'22" W; thence northerly to the point of beginning.

(9) *Hayden Island Anchorage*. An area enclosed by a line beginning south of Mathews Point at latitude 45°38'44" N, longitude 122°44'35" W; thence continuing easterly to latitude 45°38'27" N, longitude 122°43'21" W; thence southeasterly to latitude 45°38'12" N, longitude 122°43'03" W; thence westerly to latitude 45°38'19" N, longitude 122°43'40" W; thence northwesterly to latitude 45°38'42" N, longitude 122°44'36" W; thence northeasterly to the point of beginning.

(b) *The regulations.*

(1) All designated anchorages are intended for the primary use of deep-draft vessels over 200 feet in length.

(2) If a vessel under 200 feet in length is anchored in a designated anchorage, the master or person in charge of the vessel shall:

(i) Ensure that the vessel is anchored so as to minimize conflict with large, deep-draft vessels utilizing or seeking to utilize the anchorage; and

(ii) Move the vessel out of the area if requested by the master of a large, deep-draft vessel seeking to enter or depart the area or if directed by the Captain of the Port.

(3) No vessel may occupy a designated anchorage for more than 30 consecutive days without a permit from the Captain of the Port.

(4) No vessel being layed-up or dismantled or undergoing major alterations or repairs may occupy a designated anchorage without a permit from the Captain of the Port.

(5) No vessel carrying a Cargo of Particular Hazard listed in § 126.10 of this chapter may occupy a designated anchorage without permission from the Captain of the Port.

(6) No vessel in a condition such that it is likely to sink or otherwise become a hazard to the operation of other vessels shall occupy a designated anchorage except in an emergency and then only for such periods as may be authorized by the Captain of the Port.

(7) Except as allowed for emergencies, no vessel may occupy either the Henrici Bar or Willow Bar Anchorages during the commercial drift fishing seasons established by the Oregon Department of Fish and Wildlife

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(ODFW). Vessels occupying either of these anchorages at the time a drift fishing season is announced must depart prior to commencement of the season. In no case, however, shall a vessel have less than 48 hours to effect the move.

(8) ODFW will normally notify the Captain of the Port four days in advance of any commercial drift fishing season. Once notified, the Captain of the Port will inform the Portland Steamship Operators Association (PSOA) via the Merchant's Exchange and will notify the Columbia River and Bar Pilots.

[CGD13 85-07, 52 FR 46761, Dec. 10, 1987]

§ 110.229 Straits of Juan de Fuca, Wash.

(a) *Anchorage grounds*—(1) *Nonanchorage area (Port Angeles Harbor)*. Beginning at a point on the shore at latitude 48°07'04.5" N., longitude 123°24'15.6" W.; thence to latitude 48°07'39.1" N., longitude 123°24'00" W.; thence to latitude 48°07'36.7" N., longitude 123°23'46" W.; thence to a point on the shoreline at latitude 48°06'57.4" N., longitude 123°24'04" W.

(b) *The regulations*. (1) No vessel may anchor in this nonanchorage area at any time.

(2) Dragging, seining, fishing, or other activities which may foul underwater installations within this nonanchorage area are prohibited.

(3) Vessels may transit this nonanchorage area, but must proceed by the most direct route and without unnecessary delay.

(4) The city of Port Angeles will mark this area with signs on the shoreline visible (during normal daylight) 1 mile to seaward reading, "Do not Anchor in This Area."

[CGD 72-233, 39 FR 41849, Dec. 3, 1974]

§ 110.230 Puget Sound Area, Wash.

(a) *The anchorage grounds*—(1) *Freshwater Bay emergency explosives anchorage, Strait of Juan de Fuca*. All of Freshwater Bay and adjacent waters shoreward of a line beginning at Observatory Point, latitude 48°09'03", longitude 123°38'12", thence due north approximately 1,150 yards to latitude 48°09'36", longitude 123°38'12"; thence 90°, approximately

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6,450 yards, to latitude 48°09'36", longitude 123°33'27"; thence 180° to the shoreline.

(i) This area does not constitute an explosives anchorage for loading or discharging explosives, but is established exclusively for use by explosives-laden vessels enroute to the ammunition dumping area which encounter adverse weather and sea conditions and are forced to await more favorable conditions before proceeding to sea.

(1-a) *Bellingham Bay General Anchorage*. The waters of Bellingham Bay within a circular area with a radius of 2,000 yards, having its center at latitude 48°44'15", longitude 122°32'25".

(1-b) *Bellingham Bay Explosives Anchorage*. The waters of Bellingham Bay within a circular area with a radius of 1,000 yards, having its center at latitude 48°42'48", longitude 122°33'37".

(2) *Port Townsend Explosives Anchorages*—(i) *Fair weather anchorage area*. A circular area having a radius of 300 yards, whose center is at latitude 48°06'26", longitude 122°43'46".

(ii) *Foul weather anchorage area*. A circular area having a radius of 300 yards, whose center is at latitude 48°04'05", longitude 122°44'52".

(3) *Holmes Harbor General Anchorage*. All of Holmes Harbor lying southerly of a line ranging 310° through Hackney Island, between the shores of Whidbey Island.

(4) *Port Gardner General Anchorage, Possession Sound*. Beginning at a point bearing 211°, 560 yards, from Snohomish River Light 5; thence 180°, 675 yards; thence 216°, 250 yards; thence 254°, 800 yards; thence 307°, 1,700 yards; thence 49°, 1,280 yards; thence approximately 115°, 1,500 yards, to the point of beginning.

(5) [Reserved]

(6) *Thorndike Bay Emergency Explosives Anchorage, Hood Canal*. Beginning at a point bearing 267°, 3,500 yards, from Hood Canal Light 6; thence 180°, 1,000 yards to a point approximately 251°, 3,725 yards, from Hood Canal Light 7; thence 270°, 1,300 yards to a point approximately 250°, 5,000 yards, from Hood Canal Light 7; thence due north 1,000 yards, to a point approximately 268°, 4,900 yards

from Hood Canal Light 7; thence approximately 90°, 1,350 yards, to the point of beginning.

(7) *Smith Cove General Anchorage (west), Elliott Bay.* Shoreward of a line beginning at Fourmile Rock Light; thence to a point bearing 207°, 1,100 yards, from Fourmile Rock Light; thence southeasterly to a point bearing 6°30', 2,075 yards, from Duwamish Head Light 2; thence due north to the shore of Smith Cove.

(8) *Smith Cove General Anchorage (east), Elliott Bay.* Shoreward of a line beginning at latitude 47° 37'36.3" N., Longitude 122° 22'38" W.; thence due south 1,350 yards to latitude 47° 36'56.6" N., Longitude 122° 22'38" W.; thence due east to the shore at latitude 47° 36'56.6" N., Longitude 122° 21'18.8" W.

(9) *Elliott Bay General Anchorage (east).* Shoreward of a line beginning at the northeast corner of Harbor Island at latitude 47° 35'26.2" N., longitude 122° 20'41" W.; thence due north 1,025 yards to latitude 47° 35'56.5" N., longitude 122° 20'41" W.; thence due west on said line to its intersection with the east line of the West Waterway at latitude 47° 35'56.5" N., longitude 120° 21'25.5" W.; thence due south to the northwest corner of Harbor Island at latitude 47° 35'17.3" N., longitude 122° 21'25.5" W.

(10) *Elliott Bay General Anchorage (west).* Shoreward of a line beginning at latitude 47° 35'06.7" N., longitude 122° 21'36.8" W.; thence due north to latitude 47° 35'46" N., longitude 122° 21'36.8" W.; thence on a bearing 335° T for 400 yards to latitude 47° 35'56.5" N., longitude 122° 21'44" W.; thence due west to Duwamish Head Light; thence due south to the shoreline.

(11) *Orchard Point General Anchorage, Puget Sound.* Beginning at Orchard Point Light; thence 106°, two miles; thence 180° to the northern shore of Blake Island; thence west and south along the shoreline to the southern end of Blake Island at approximate longitude 122°29'16"; thence 250° to the dock at Harper; thence westerly and northerly along the shoreline to the point of beginning.

(12) [Reserved]

(13) *Commencement Bay General Anchorage.* A quadrilateral area

bounded as follows: Beginning at latitude 47°17'37" N., longitude 122°26'00" W.; thence due south to latitude 47°17'19" N., longitude 122°26'00" W.; thence due east to a point bearing 286° T from Hylebos Waterway Light 1 at a distance of 450 yards; thence due north to latitude 47°17'33" N., longitude 122°25'00" W.; thence west north-west to the point of beginning.

(14) *Cherry Point General Anchorage.* The waters within a circular area with a radius of 0.8 nautical mile, having its center at latitude 48°48'30" N., longitude 122°46'00" W.

(b) *The regulations.* (1) No vessel shall anchor in any general anchorage described in paragraph (a) of this section without prior permission from the Captain of the Port, or his authorized representative. No vessel shall occupy any general anchorage for a period longer than 30 days unless a permit is obtained from the Captain of the Port for that purpose. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy a general anchorage except in an emergency and then only for such period as may be permitted by the Captain of the Port. A berth in a general anchorage, if available, may be assigned to any vessel by the Captain of the Port upon application and he may grant revocable permits for the continuous use of the same berth.

(2) Explosive anchorages are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored.

(3) Whenever any vessel not fitted with mechanical power, anchors in an explosive anchorage, the Captain of the Port may require the attendance of a tug upon such vessel, when, in his judgment, such action is necessary.

(4) Vessels carrying explosives shall comply with the general regulations in paragraph (b)(1) of this section, when applicable.

(5) Every vessel at anchor in an explosives anchorage shall display by day a red flag at least 16 square feet in area at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night a red light in the same position specified for the

flag. These signals shall be in addition to day signals and lights required to be shown by all vessels when at anchor.

(6) Every vessel constructed of wood shall, unless there are steel bulwarks or metallic cases or cargo on board, be fitted with radar reflector screens of metal of sufficient size to permit target indication on the radar screen of commercial type radars.

(7) Fishing and navigation by pleasure and commercial craft are prohibited within the area at all times when vessels which are anchored in the area for the purpose of loading or unloading explosives display a red flag by day and a red light by night, unless special permission is granted by the Captain of the Port.

(8) No explosives handling in any explosive anchorage will be undertaken by any vessel unless personnel from the Captain of the Port are on board to supervise the handling of explosives.

(9) No vessel shall remain at anchor in any explosive anchorage unless there is on board such vessel a competent watchman or a tug in attendance.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 110.230, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 110.232 Southeast Alaska.

(a) *The anchorage grounds—(1) Hassler Harbor—explosives anchorage.* The waters of Hassler Harbor within a circular area with a radius of 1,500 yards, having its center at latitude 55°12'52" N., longitude 131°25'52" W.

(b) *The regulations.* (1) Except in an emergency, only a vessel that is transporting, loading or discharging explosives may anchor, moor, or remain within the Hassler Harbor explosives anchorage.

(2) A master or person in charge of a vessel shall obtain a written permit from the Captain of the Port, Southeast, Alaska, to anchor, moor, or remain within the explosives anchorage. The vessel shall anchor in the position specified by the permit.

(3) The net weight of the explosives laden aboard all vessels anchored, moored, or remaining within the an-

chorage shall not exceed 800,000 pounds.

(4) The Captain of the Port, Southeast, Alaska, may require a nonexplosive propelled vessel to be attended by a tug while moored, anchored, or remaining within the explosives anchorage.

(5) A wooden vessel must:

(i) Be fitted with a radar reflector screen of metal of sufficient size to permit target indication on the radar screen of commercial type radar; or

(ii) Have steel bulwarks; or

(iii) Have metallic cases or cargo aboard.

(6) Each vessel moored, anchored, or remaining within the explosives anchorage and carrying, loading, or discharging explosives from sunrise to sunset shall display:

(i) A red flag from the mast; or

(ii) A sign posted on each side of the vessel reading "Explosive—Keep Clear—No Smoking or Open Flame" in letters that are 3 inches or larger and have sufficient contrast with the background to be seen from a distance of 200 feet.

(7) Each vessel moored, anchored, or remaining within the anchorage during the night shall display:

(i) Anchor lights; and

(ii) A 32 point red light located from the mast or highest part of the vessel to be visible all around the horizon for a distance of 2 miles.

[CGFR 71-86A, 36 FR 20603, Oct. 27, 1971, as amended by CGD 77-020, 42 FR 36611, June 16, 1977]

§ 110.233 Prince William Sound, Alaska.

(a) *The anchorage grounds.* In Prince William Sound, Alaska, beginning at a point at latitude 60°40'00" N., longitude 146°40'00" W.; thence south to latitude 60°38'00" N., longitude 146°40'00" W.; thence east to latitude 60°38'00" N., longitude 146°30'00" W.; thence north to latitude 60°39'00" N., longitude 146°30'00" W.; thence northwesterly to the beginning point.

(b) *The regulations.* (1) This anchorage area is for the temporary use of vessels during:

(i) Adverse weather or tidal conditions;

(ii) Vessel equipment failure; or

(iii) Delays at Port Valdez;

(2) No vessel may anchor in this anchorage without notifying the vessel traffic center in Valdez; and

(3) Each vessel anchored shall notify the vessel traffic center in Valdez when it weighs anchor.

CGD 77-144, 43 FR 21459, May 18, 1978)

§ 110.235 Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii; anchorage for nitrate laden vessels.

(a) *The anchorage ground.* The waters of the Pacific Ocean (Mamala Bay) within an area directly offshore of Keehi Lagoon at Honolulu, Hawaii, described as follows: Beginning at a point bearing 251° true, 5,925 yards, from Honolulu Harbor Light (Aloha Tower) thence on a bearing of 202° true, 1,000 yards; thence on a bearing of 290°30' true, 800 yards; thence on a bearing 22° true, 1,000 yards; thence on a bearing of 110°30' true, 800 yards to point of beginning. This area provides anchorage space for one (1) vessel.

(b) *The regulations.* (1) Anchorage within this area shall be restricted to not more than one (1) nitrate laden vessel at any one time. Other vessels are cautioned against frequenting the area at any time, and they shall not, without specific authority from the District Commander, enter or remain in the area when a nitrate laden vessel is anchored within or is approaching the area, or anchor outside the area within 1,000 yards of a nitrate laden vessel anchored within the area.

Note: The term "District Commander," as used in this section, means the Commander, 16th Coast Guard District, Honolulu, Hawaii, or his duly authorized representative.

(2) Except in an emergency involving danger to life or property, no nitrate laden vessel shall anchor within the area without first obtaining permission from the District Commander. The master of a nitrate laden vessel shall notify the District Commander in advance of his intention to anchor within the area, giving the name of the vessel and the time he expects to anchor and any additional information requested such as the reason for the stopover, anticipated period of the

stopover, kind and amount of cargo carried, destination, and proposed location of any necessary torches or welding anticipated, etc. The vessel shall not enter the area until permission to anchor has been received from the District Commander, and it shall then anchor along the longitudinal center line of the area 600 yards from any corner as designated by the District Commander.

(3) The master of the vessel shall request permission from the District Commander for any necessary additional stopover privilege longer than the period originally anticipated. He shall also notify the District Commander when his vessel is ready to leave the area.

(4) In addition to the appropriate day and night signals, the anchored vessel shall display by day a red flag of at least 16 square feet, and by night a red light visible all around the horizon, at the mast head or at least 10 feet above the upper deck if the vessel has no mast.

(5) The master of the vessel shall have the vessel properly patrolled at all times, and anchor bearings carefully checked at frequent intervals. During rough seas, if he is in doubt as to being securely anchored and is without ship power he shall call for tug service from any of the commercial tug-service firms available in Honolulu Harbor. All charges incurred thereby shall be charged to the vessel owner or agent.

(6) Upon being notified to shift its position a vessel shall get under way at once or signal for a tug and change position as directed with reasonable promptness.

(7) In the event of fire on board any anchored vessel, the master or other officer in charge shall immediately sound five blasts of five seconds each of a whistle or siren, which signal may be repeated at intervals to attract attention. This signal shall be used in addition to any other means available for reporting a fire. If for any reason the whistle signal is inoperative the master shall make arrangements whereby the radio transmitter and operator will be available.

(8) Nothing in this section shall be construed as relieving the owner or

person in charge of any vessel from strict compliance with all applicable navigation laws and regulations established by the Commandant of the Coast Guard with respect to explosives and other dangerous articles and substances on board vessels.

§ 110.236 Pacific Ocean off Barbers Point, Island of Oahu, Hawaii: Offshore pipeline terminal anchorages.

(a) *The anchorage grounds*—(1) *Anchorage A.* The waters within an area described as follows: A circle of 1,000 feet radius centered at latitude 21°17'55" N., longitude 158°07'46" W.

(2) *Nonanchorage area A.* The waters extending 300 feet on either side of a line bearing 059° from anchorage A to the shoreline at latitude 21°18'22" N., longitude 158°06'57" W.

(3) *Anchorage B.* The waters enclosed by a line beginning at latitude 21°16'31.5" N., longitude 158°05'09.0" W.; thence to latitude 21°16'03.9" N., longitude 158°05'16.9" W.; thence to latitude 21°16'11.1" N., longitude 158°05'45.8" W.; thence to latitude 21°16'38.8" N., longitude 158°05'37.9" W.; thence to the point of beginning.

(4) *Nonanchorage area B.* The waters extending 300 feet on either side of a line bearing 334.5° from anchorage B to the shoreline at latitude 21°17'50.5" N., longitude 158°06'13.1" W.

(5) *Anchorage C.* The waters enclosed by a line beginning at latitude 21°16'58" N., longitude 158°04'39" W.; thence to latitude 21°16'58" N., longitude 158°04'12" W.; thence to latitude 21°16'44" N., longitude 158°04'12" W.; thence to latitude 21°16'44" N., longitude 158°04'39" W.; thence to the point of beginning.

(6) *Nonanchorage area C.* The waters extending 300 feet on either side of a line bearing 306° from anchorage C to the shoreline at latitude 21°17'54.9" N., longitude 158°06'07.8" W.

(7) *Anchorage D.* The waters enclosed by a line beginning at latitude 21°18'00" N., longitude 158°07'20" W.; thence to latitude 21°17'56" N., longitude 158°07'16" W.; thence to latitude 21°17'49" N., longitude 158°07'24" W.; thence to latitude 21°17'53" N., longi-

tude 158°07'28" W.; thence to the point of beginning.

(b) *The regulations.* (1) No vessel may anchor, moor, or navigate in anchorages A, B, C, or D except:

(i) Vessels using the anchorages and their related pipelines for loading or unloading;

(ii) Commercial tugs, lighters, barges, launches, or other vessels engaged in servicing the anchorage facilities or vessels using them;

(iii) Public vessels of the United States.

(2) When vessels are conducting loading or unloading operations as indicated by the display of a red flag (international code flag B) at the masthead, passing vessels of over 1,000 gross tons shall not approach within 1,000 yards at a speed in excess of 10 knots.

(3) The owner of any vessel wanting to use an anchorage ground and use the related pipeline facilities shall notify the Captain of the Port, Honolulu, Hawaii, and the Commanding Officer, U.S. Naval Air Station, Barbers Point, Hawaii, at least 24 hours in advance of desired occupancy of the anchorage ground by the vessel. Such notification must include the maximum height above the waterline of the uppermost portion of the vessel's mast and a description of the mast lighting including height of the lightest anchor light and any aircraft warning lights to be displayed by the vessel at night.

(4) When, in the opinion of the Captain of the Port, or his authorized representative, oil transfer operations within these anchorages could jeopardize the safety of vessels or facilities in the area, or cause an undue risk of oil pollution, such oil transfer operations shall be immediately terminated until such time as the commanding Coast Guard officer determines that the danger has subsided.

(5) Nonanchorage areas A, B, and C are established for the protection of submerged pipelines. Except for vessels servicing pipeline facilities, no anchoring, dragging, seining or other potential pipeline fouling activities are permitted within these areas.

(6) Nothing in this section shall be construed as relieving the owner

person in charge of any vessel from complying with the rules of the road and safe navigation practice.

(7) The regulations of this section are enforced by the Captain of the Port or his duly authorized representative.

(COD 73-59R, 38 FR 16777, June 26, 1973)

§ 110.237 Pacific Ocean at Waimea, Hawaii, Naval Anchorage.

(a) *The Anchorage grounds.* All the waters within a circle having a radius of 300 yards centered at latitude 21°57'02" N., longitude 159°41'33" W.

(b) *The regulation.* Except in an emergency, no vessel except a Naval vessel may anchor or moor in this anchorage without permission of the Captain of the Port, Honolulu, Hawaii.

(COD 74-187, 41 FR 54176, Dec. 13, 1976)

§ 110.238 Apra Harbor, Guam.

(a) *The anchorage grounds (based on Guam 1963 Datum)—(1) General Anchorage.* The waters of Apra Outer Harbor enclosed by a line beginning at Southwest Point at latitude 13°27'29" N., longitude 144°39'32" E.; thence to latitude 13°27'18" N., longitude 144°39'18" E.; thence to Spanish Rocks at latitude 13°27'09.5" N., longitude 144°37'20.6" E.; thence along the shoreline to the point of beginning.

(2) *Explosives Anchorage 701.* In Naval Anchorage A, a circular area with a radius of 350 yards, centered at latitude 13°26'51" N., longitude 144°37'48.7" E.

(3) *Naval Explosives Anchorage 702.* In the General Anchorage, a circular area with a radius of 350 yards centered at latitude 13°27'26.9" N., longitude 144°38'08.2" E.

(4) *Naval Anchorage A.* The area enclosed by a line beginning at latitude 13°26'44.3" N., longitude 144°37'37.8" E.; thence to latitude 13°26'59" N., longitude 144°37'37.8" E.; thence to latitude 13°27'07.6" N., longitude 144°38'56" E.; thence to latitude 13°26'56.6" N., longitude 144°38'56" E.; thence to latitude 13°26'56.6" N., longitude 144°39'03.8" E.; thence to latitude 13°26'51.3" N., longitude 144°39'03.8" E.; thence to latitude 13°26'51.3" N., longitude 144°39'19.4" E.; thence to latitude 13°26'39.2" N., longitude

144°39'19.4" E.; thence to latitude 13°26'37.4" N., longitude 144°37'57" E.; thence to the point of beginning.

(5) *Naval Anchorage B.* The area enclosed by a line beginning at latitude 13°26'40.7" N., longitude 144°39'48.5" E.; thence to latitude 13°26'50.6" N., longitude 144°39'59" E.; thence to latitude 13°26'48" N., longitude 144°40'01.2" E.; thence to latitude 13°26'38" N., longitude 144°39'51.2" E.; thence to the point of beginning.

(b) *The regulations—(1) General Anchorage.* Any vessel may anchor in the General Anchorage except vessels carrying more than 25 tons of high explosives.

(2) *Explosives Anchorage 701.* Vessels carrying more than 25 tons of high explosives must use Anchorage 701, unless otherwise directed by the Captain of the Port.

(3) *Naval Explosives Anchorage 702.* Except Naval vessels using the anchorage as directed by local Naval authorities, no vessel may anchor so that any part of the hull or rigging, or the anchor tackle may extend into Anchorage 702 at any time.

(4) *Naval Anchorages A and B.* (i) Except as provided in paragraph (b)(3)(ii) of this section, non-naval vessels may not anchor within these anchorages or use the mooring buoys therein without permission of the local Naval authorities obtained through the Captain of the Port. (There is a user charge for the use of these mooring buoys.)

(ii) Small craft that are continuously manned and capable of getting underway may anchor within these anchorages during daylight hours without prior approval of the Captain of the Port.

(5) *General regulations.* (i) Vessels may use the Naval mooring buoys in the General Anchorage without charge for a period up to 72 hours if authorized by the Captain of the Port. Vessels so moored shall promptly move at their own expense upon notification from the Captain of the Port.

(ii) Except for vessels not more than 65 feet in length, all vessels shall anchor in an anchorage ground.

(iii) Vessels anchored in an anchorage ground shall place their anchors within the anchorage ground so that

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no portion of the hull or rigging at any time extends outside the anchorage ground.

(iv) No vessel may anchor in the harbor for more than 30 consecutive days without permission of the Captain of the Port.

[CDG14-87-02, 52 FR 25864, July 9, 1987]

§ 110.239 Island of Tinian, CNMI.

(a) The anchorage grounds (based on 1944 Saipan Datum):

(1) *Explosives Anchorage A*. A circular area intersecting the shoreline having a radius of 1,900 yards centered at latitude 14°58'57.0" N, longitude 145°35'40.8" E.

(2) *Explosives Anchorage B*. A circular area intersecting the shoreline having a radius of 1,900 yards centered at latitude 14°58'15.0" N, longitude 145°35'54.8" E.

(b) The regulations: Explosives Anchorages A and B; with the exception of explosives laden naval vessels at explosives anchorage A and B, no vessel may anchor within these areas without permission of the Captain of the Port. No vessel of more than 500 gross tons displacement may enter these areas except for the purpose of anchoring in accordance with this section.

[CGD 14-87-01, 52 FR 26146, July 13, 1987]

§ 110.240 San Juan Harbor, P.R.

(a) *The anchorage grounds—(1) Temporary Anchorage E (general)*. Beginning at a point which bears 262° T, 878 yards from Isla Grande Aero Beacon; thence along a line 75°47', 498 yards; thence along a line 134°49', 440 yards; thence along a line 224°49' to the northerly channel limit of Graving Dock Channel, and thence to the point of beginning.

(2) *Restricted Anchorage F*. Beginning at a point which bears 212°30', 1,337.5 yards from Isla Grande Light; thence along a line 269°00', 550 yards; thence along a line 330°00' to the westerly channel limit of Anegado Channel; and thence along the westerly channel limit of Anegado Channel to the point of beginning.

(b) *The regulations*. (1) Vessels awaiting customs or quarantine shall use Temporary Anchorage E. No

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vessel shall remain in this anchorage more than 24 hours without a permit from the U.S. Coast Guard Captain of the Port.

(2) *Restricted Anchorage F* shall serve both as an additional general anchorage area in cases where the temporary anchorage is full, and as an explosives anchorage for vessels loading or unloading explosives in quantities no greater than forty (40) tons, Commercial Class "A" Explosives, when authorized by the United States Coast Guard Captain of the Port. No vessel shall enter or anchor therein without first obtaining a permit from the United States Coast Guard Captain of the Port.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 79-119, 45 FR 32673, May 19, 1980; CGD 7-83-29, 49 FR 48540, Dec. 13, 1984; 50 FR 5580, Feb. 11, 1985]

§ 110.245 Vieques Passage and Vieques Sound, near Vieques Island, P.R.

(a) *The anchorage grounds—(1) Vieques Passage explosives anchorage and ammunition handling berth (Area 1)*. A circular area having a radius of 1,700 yards with its center at latitude 18°09'00"N., longitude 65°32'40"W.

(2) *Vieques Sound explosives anchorage and ammunition handling berth (Area 2)*. A circular area having a radius of 2,000 yards with its center at latitude 18°11'48", longitude 65°26'06".

(3) *Southern Vieques Passage explosives anchorage and ammunition handling berth (Area 3)*. A circular area having a radius of 2,000 yards with its center at latitude 18°05'51", longitude 65°36'14".

(b) *The regulations*. (1) No vessel or craft shall enter or remain in these anchorages while occupied by vessels having on board explosives or other dangerous cargo. Explosives in quantities no greater than 1,625 short tons will be handled in any area at one time.

(2) The regulations of this section shall be enforced by the Commanding Officer, Greater Antilles Section, U.S. Coast Guard Base, San Juan, Puerto Rico, and such agencies as he may designate.

[CGFR 67-46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 77-087, 44 FR 50040, Aug. 27, 1979]

§ 110.250 St. Thomas Harbor, Charlotte Amalie, V.I.

(a) *The anchorage grounds*—(1) *Inner harbor anchorage.* Beginning at a point bearing 85°, 525 yards from the outer end of a pier at latitude 18°20'19", longitude 64°56'26" (approximate); thence 146°, 800 yards; thence 70°, 860 yards; thence 340°, 500 yards; and thence to the point of beginning.

(2) *Outer harbor anchorage.* Beginning at Scorpion Rock lighted buoy No. 1 (latitude 18°19'25.6", longitude 64°55'41.8"); thence 180°, 1,580 yards; thence 264°30', 2,490 yards; thence due north 1,255 yards; thence due east to the southerly tip of Sprat Point, Water Island; thence to Cowell Point, Hassel Island; and thence to the point of beginning.

(3) *East Gregerie Channel anchorage (general purpose).* Bounded on the northeast by Hassel Island; on the southeast by the northwest boundary of the outer harbor anchorage; on the southwest by Water Island; and on the northwest by a line running from Banana Point, Water Island, 55' to Hassel Island.

(4) *Small-craft anchorage.* All the waters north of a line passing through the outer end of a pier at latitude 18°20'19", longitude 64°56'26" (approximate) and ranging 85°.

(5) *Deep-draft anchorage.* A circular area having a radius of 400 yards with its center at latitude 18°19'12.2", longitude 64°58'47.8".

(6) *Long Bay anchorage.* The waters of Long Bay bounded on the north by the southerly limit line of Anchorage E, on the west by the easterly limit line of Anchorage A to a point at latitude 18°20'18", thence to latitude 18°20'13", longitude 64°55'21"; and thence to the shoreline at latitude 18°20'15", longitude 64°55'13".

(b) *The regulations.* (1) The outer harbor anchorage shall be used by vessels undergoing examination by quarantine, customs, immigration, and Coast Guard officers. Upon completion of these examinations, vessels shall move promptly to anchorage. This anchorage shall also be used by

vessels having drafts too great to permit them to use the inner harbor anchorage. No vessel shall remain more than 48 hours in this anchorage without a permit from the Harbor Master.

(2) The small-craft anchorage shall be used by small vessels undergoing examination and also by small vessels anchoring under permit from the Harbor Master.

(3) The requirements of the Navy shall predominate in the deep-draft anchorage. When occupied by naval vessels all other vessels and craft shall remain clear of the area. When the area is not required for naval vessels, the Harbor Master may upon application made in advance assign other vessels to the area. Vessels so assigned and occupying the area shall move promptly upon notification by the Harbor Master.

(4) The harbor regulations for the Port of St. Thomas, V.I. of the United States and approaches thereto, including all waters under its jurisdiction, as adopted by the Government of the Virgin Islands, will apply to the Long Bay Anchorage.

(5) In addition, the Long Bay Anchorage is reserved for all types of small vessels, including sailing and motor pleasure craft, and such craft shall anchor in no other area except Anchorage E, in the northern portion of the harbor of Charlotte Amalie.

(6) Floats for marking anchors in place will be allowed in the Long Bay anchorage; stakes or mooring piles are prohibited.

(7) Vessels not more than 65 feet in length are not required to exhibit or carry anchor lights within the Long Bay anchorage, but must display them if emergency requires anchoring in any other part of the harbor.

(8) No vessel may anchor in any of the St. Thomas Harbor Anchorages without a permit from the Harbor Master.

(9) The U.S. Coast Guard Captain of the Port of St. Thomas is hereby empowered, whenever the maritime or commercial interests of the United States so require, to shift the position of any vessel anchored within the Long Bay anchorage, and of any vessel which is so moored or anchored as to

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impede or obstruct vessel movement in the harbor, and to enforce all regulations of this section should the need arise.

§ 110.255 Ponce Harbor, P.R.

(a) *Small-craft anchorage.* On the northwest of Ponce Municipal Pier and northeast of Cayitos Reef, bounded as follows: Beginning at latitude 17°58'27", longitude 66°37'29.5", bearing approximately 325° true, 2,200 feet from the most southwest corner of Ponce Municipal Pier; thence 273°30' true, 1,800 feet; thence 15° true, 900 feet; thence 93°30' true, 1,800 feet; thence 195° true, 900 feet to the point of beginning.

(b) *The regulations.* (1) The Commonwealth Captain of the Port may authorize use of this anchorage whenever he finds such use required in safe-

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guarding the maritime or commercial interests.

(2) No vessel shall anchor within the area until assigned a berth by the Commonwealth Captain of the Port. Application for permission to occupy the anchorage must be submitted in advance by the master or authorized representative of the vessel.

(3) Vessels occupying the anchorage will at all times keep within the limits of the area, and shall move or shift their position promptly upon notification by the Commonwealth Captain of the Port.

(4) The anchorage is reserved for all types of small craft, including schooners, fishing vessels, yachts and pleasure craft.

(5) Floats for marking anchors in place will be allowed; stakes or mooring piles are prohibited.

SUBCHAPTER J—BRIDGES

PART 114—GENERAL

- Sec.
 114.01 Purpose.
 114.06 Definitions.
 114.10 General policies on issuance of permits and drawbridge operation regulations.
 114.20 Departure from permit plans.
 114.25 Work constructed without prior authority.
 114.30 Revocation.
 114.40 Violations of law.
 114.45 Applications, extensions of time.
 114.50 Right of appeal.

AUTHORITY: c. 425, sec. 9, 30 Stat. 1151 (33 U.S.C. 401); c. 1130, sec. 1, 34 Stat. 84 (33 U.S.C. 491); sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); sec. 11, 54 Stat. 501, as amended (33 U.S.C. 521); c. 753, Title V, sec. 502, 60 Stat. 847, as amended (33 U.S.C. 525); 86 Stat. 732 (33 U.S.C. 535); 14 U.S.C. 633; sec. 6(6), 80 Stat. 941 (49 U.S.C. 1655(g); 49 CFR 1.46(c)).

SOURCE: CGFR 67-46, 32 FR 17769, Dec. 12, 1967, unless otherwise noted.

§ 114.01 Purpose.

(a) The purpose of the rules and regulations in this subchapter is to implement certain laws and set forth the requirements for:

(1) Locations and clearances of bridges and causeways over the navigable waters (33 U.S.C. 401, 491 to 507, and 525 to 534).

(2) Administration of the alteration of obstructive bridges (33 U.S.C. 511 to 524).

(3) Regulation of drawbridge operation (33 U.S.C. 499).

(b) The rules and regulations in this subchapter also describe the procedures and practices, including forms and instructions, which are applicable to the public subject to certain laws governing bridges and causeways over the navigable waters of the United States.

(c) Subsection 6(g) of the Department of Transportation Act (Sec. 6(g), 80 Stat. 937, 49 U.S.C. 1655(g)) transferred and vested in the Secretary of Transportation all functions, powers and duties of the Secretary of the Army and other officers and offices of the Department of the Army under

specified laws. The Secretary of Transportation by 49 CFR 1.45(b) and 1.46(c) (5), (6), (8), (9), and (10) delegated to the Commandant, U.S. Coast Guard, with the authority to redelegate within the Coast Guard, the authority to exercise the functions, powers, and duties of the Secretary with respect to the following provisions of law:

(1) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499), regarding drawbridge operation regulations.

(2) The Act of June 21, 1940, as amended (54 Stat. 497; 33 U.S.C. 511 et seq.), regarding obstructive bridges.

(3) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401), regarding construction of bridges, causeways, etc., to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(4) The Act of March 23, 1906, as amended (34 Stat. 84; 33 U.S.C. 491 et seq.), regarding general bridge authority to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(5) The General Bridge Act of 1946, as amended (60 Stat. 847; 33 U.S.C. 525 et seq.), to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(6) Section 5 of the International Bridge Act of 1972 (86 Stat. 732; 33 U.S.C. 535c).

(d) The Commandant has delegated within the Coast Guard authority for the issuance of drawbridge operation regulations and permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States. These delegations may be found in §§ 1.05-1 and 1.01-60 of this Chapter.

[CGFR 67-46, 32 FR 17769, Dec. 12, 1967, as amended by CGFR 70-115, 35 FR 15923, Oct. 9, 1970; CGFR 71-95, 36 FR 19160, Sept. 30, 1971; CGD 80-099, 46 FR 36353, July 27, 1981; 46 FR 42268, Aug. 20, 1981; CGD 82-006, 47 FR 36640, Aug. 23, 1982]

§ 114.05

§ 114.05 Definitions.

(a) *General.* Certain terms as used in this subchapter are defined in this section.

(b) *Approved.* The term "approved" means approved by the Commandant unless otherwise stated.

(c) *Bridges.* The term "bridge" means a structure erected across navigable waters of the United States, and includes causeways, approaches, fenders, and other appurtenances thereto.

(d) *Coast Guard District Commander or District Commander.* The term "Coast Guard District Commander" or "District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district. (See Part 3 of this chapter for descriptions of Coast Guard Districts.)

(e) *Commandant.* The term "Commandant" means Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20593.

(f) *District Office or Coast Guard District Office.* The term "District Office" or "Coast Guard District Office" means the Office of the Commander of a Coast Guard District.

(g) *Headquarters or Coast Guard Headquarters.* The term "Headquarters" or "Coast Guard Headquarters" means the Office of the Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20593.

(h) *Permit.* The term "permit" means the license permitting construction of bridges and approaches thereto in or over navigable waters of the United States, issued under the rules and regulations in this subchapter.

(i) *Secretary.* The term "Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

(j) *United States Coast Guard or Coast Guard.* The term "United States Coast Guard" or "Coast Guard" means the organization or agency established by the Act of January 28, 1915, as amended (14 U.S.C. 1).

(k) [Reserved]

(l) *Chief, Office of Navigation Safety and Waterway Services.* The term "Chief, Office of Navigation Safety and Waterway Services" means the

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officer of the Coast Guard designated by the Commandant as the staff officer in charge of the Office of Navigation Safety and Waterway Services, U.S. Coast Guard Headquarters.

(33 U.S.C. 401, 491, 525, 535; 49 CFR 1.401 (8), (9), (10), (q))

[CGFR 67-46, 32 FR 17769, Dec. 12, 1967, as amended by CGD 76-144, 42 FR 28862, June 6, 1977; CGD 80-099, 46 FR 38353, July 27, 1981; CGD 82-006, 47 FR 36640, Aug. 23, 1982; CGD 88-052, 53 FR 25120, July 1, 1988]

§ 114.10 General policies on issuance of permits and drawbridge operation regulations.

The several bridge laws referenced in § 114.01 Purpose, are intended to prevent any interference with navigable waters of the United States whether by bridges, dams, dikes or other obstructions to navigation except by express permission of the United States. The decision as to whether a bridge permit or a drawbridge operation regulation will be issued or promulgated must rest primarily upon the effect of the proposed action on navigation to assure that the action provides the reasonable needs of navigation after full consideration of the effect of the proposed action on the human environment. The Coast Guard is not responsible for any other permits that the applicant may need from other federal, state, or local agencies and issuance of a bridge permit does not affect flood control projects or other governmental programs.

[CGD 82-006, 47 FR 36640, Aug. 23, 1982]

§ 114.20 Departure from permit plans.

(a) If the final inspection shows a minor departure from the authorized plans which does not materially affect navigation, the permittee will be required to furnish a tracing showing the work as actually constructed but no further action will be taken by the Coast Guard.

(b) It is not the practice of the Coast Guard to issue letters certifying that completed work conforms to that which was authorized. That question is a matter of fact to be determined in case of controversy by the usual rules of court procedure.

§ 114.25 Work constructed without prior authority.

The Commandant or District Commander will approve plans and issue permits authorizing bridges across navigable waters, in cases where the application therefor is submitted after the commencement or completion of the bridges subject to the following rules: Approval will be limited to those cases where the necessary primary authority, State or Federal as the case may be, validly existed, when the work was innocently constructed, and where the work will not unreasonably interfere with navigation. Upon issuance of the permit, applicant will be informed that the law contemplates prior approval and that in the future plans must be submitted in ample time for their consideration by the Commandant or District Commander before construction is begun.

(33 U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 401, 491, 499, and 525; 49 U.S.C. 1655(g), and 49 CFR 1.46(c) and (q))

[CGD 80-099, 46 FR 38354, July 27, 1981]

§ 114.30 Revocation.

Permits may be revoked by the issuing official for failure on the part of the permittee to comply with any of the conditions therein, or where the structures or other work constitute an unreasonable obstruction to navigation or to operations of the United States in the interest of navigation or flood control.

[CGD 82-006, 47 FR 36640, Aug. 23, 1982]

§ 114.40 Violations of law.

The Coast Guard has the authority and responsibility for enforcement of the applicable provisions of law for the protection and preservation of navigable waters. It is the policy of the Coast Guard to secure compliance with these provisions of law short of legal proceedings. As a general principle, no action is taken when the violation is minor, unintentional, or accidental and the party responsible corrects the violation. It is the policy of the Coast Guard to implement civil or criminal proceedings in all other circumstances. These proceedings are in subpart 1.07 of Part 1 of this chapter.

(Secs. 107, 108, Pub. L. 97-322, 96 Stat. 1582; (33 U.S.C. 495, 499, 502, 525, 533); 49 CFR 1.46(c))

[CGD 82-102, 47 FR 54299, Dec. 2, 1982]

§ 114.45 Applications, extensions of time.

Extensions of time to commence or complete construction of a bridge or remove a bridge that has been replaced as an element of a permitted bridge project must be submitted to, and received by the District Commander at least 30 days before the existing permit expires to allow the permit to remain in effect until the final agency action is taken.

(33 U.S.C. 401, 491, 525, 535; 49 CFR 1.46(c) (8), (9), (10), (q))

[CGD 76-144, 42 FR 28882, June 6, 1977]

§ 114.50 Right of appeal.

A District Commander's decision to deny a bridge permit application or an application for drawbridge operation regulations may be appealed to the Commandant, U.S. Coast Guard. The appeal must be submitted in writing to the U.S. Coast Guard Office of Navigation Safety and Waterway Services, 2100 Second Street SW., Washington, DC 20593-0001, within 60 days of the District Commander's decision. The Commandant will take action on the appeal within 90 days of its receipt.

(5 U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 401, 491, 499, and 525; 49 U.S.C. 1655(g), and 49 CFR 1.46(c) and (q))

[CGD 80-099, 46 FR 38354, July 27, 1981, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

PART 115—BRIDGE LOCATIONS AND CLEARANCES; ADMINISTRATIVE PROCEDURES

Sec.

- 115.01 Purpose.
- 115.05 Necessary primary authority.
- 115.10 Limiting date in permits.
- 115.15 Permit bonds.
- 115.20 Transfer of permits.
- 115.30 Sufficiency of State authority for bridges.
- 115.40 Bridge repairs.
- 115.50 Applications for bridge permits.
- 115.60 Procedures for handling applications for bridge construction permits.
- 115.70 Advance approval of bridges.

§ 115.01

AUTHORITY: c. 425, sec. 9, 30 Stat. 1151 (33 U.S.C. 401); c. 1130, sec. 1, 34 Stat. 84 (33 U.S.C. 491); sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); sec. 11, 54 Stat. 501, as amended (33 U.S.C. 521); c. 753, Title V, sec. 502, 60 Stat. 847, as amended (33 U.S.C. 525); 86 Stat. 732 (33 U.S.C. 535); 14 U.S.C. 633; sec. g(6), 80 Stat. 941 (49 U.S.C. 1655(g)); 49 CFR 1.46(c).

SOURCE: CGFR 67-46, 32 FR 17771, Dec. 12, 1967, unless otherwise noted.

§ 115.01 Purpose.

This part states the requirements for applying for a permit for construction of or modification to bridges crossing the navigable waters of the United States. It also sets forth the procedures by which the application is processed by the Coast Guard.

[CGD 82-006, 47 FR 36641, Aug. 23, 1982]

§ 115.05 Necessary primary authority.

For bridges constructed by State or municipal agencies, the primary authority will be presumed without proof. If the law of the State requires a license for or approval of the bridge from a constituted State agency, a copy of such license or approval will be required and may be accepted as evidence of the primary authority. If there be no State regulation of bridges in navigable waters, the necessary primary authority may be that granted in the charter of a corporation, or the authority inherent in the ownership of the land on which the structure is placed. The applicant will in such cases be required to furnish an extract from the charter, or a statement of ownership. Especial care will be taken that Federal approval is not granted when there is doubt of the right of the builder to construct and utilize the bridge.

§ 115.10 Limiting date in permits.

(a) Specific time limitations are inserted in all permits for the commencement of construction and completion thereof. Normally three years for start of construction and two additional years for completion may be allowed.

(b) Specific time limitations are inserted in all permits for the removal of bridges being replaced in whole or in part by the newly permitted bridges

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where removal thereof is required as condition of the permit. Normally days for removal after completion of the new bridge or opening to transportation, whichever occurs first, may be allowed.

[CGD 75-046, 40 FR 24896, June 11, 1975, as amended by CGD 80-099, 46 FR 38354, July 27, 1981]

§ 115.15 Permit bonds.

When compensatory works or the removal of temporary structures should be required of the permittee, or other unusual cases when there is reason to anticipate that the permittee may fail to carry out parts of the work that are against his interest, an additional condition will be included in the permit requiring the permittee furnish a bond insuring compliance with the permit requirements.

§ 115.20 Transfer of permits.

Permits express merely the assent of the Federal Government so far as concerns the public rights of navigation. Although issued to a specific party, the assent is not limited to execution of the work by that party and may be availed of by the assignees or purchasers of the property affected, provided the terms of the instrument are strictly complied with.

§ 115.30 Sufficiency of State authority for bridges.

An opinion of the attorney general of the State as to the sufficiency of State authority for the construction of a bridge is acceptable to the Coast Guard in doubtful cases.

§ 115.40 Bridge repairs.

Repairs to a bridge which do not alter the clearances, type of structure or any integral part of the substructure or superstructure or navigational conditions, but which consist only of the replacement of worn or obsolete parts, may, if the bridge is a legally approved structure, be made as routine maintenance without approval of the U.S. Coast Guard.

§ 115.50 Application for bridge permits.

(a) **Approval of plans.** An application for authorization to construct a bridge

across navigable waters of the United States must show the name and address of the applicant; the waterway and location of the bridge; citation to the act of Congress or the State legislature authorizing the bridge; be accompanied by a map of the location and plans of the bridge showing the features which affect navigation; and papers to establish the identity of the applicant.

(b) *Prior authority necessary.* Except as provided under paragraph (c) of this section, a bridge cannot lawfully be constructed across any navigable waterway of the United States until the location and plans have been approved by the Coast Guard.

(c) *Prior authority not necessary.* Coast Guard approval of the location and plans for construction or modification of a bridge or causeway is not required for any bridge or causeway over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce, whether or not such waters were used or were susceptible to use, at some previous time, to transport commerce (historic use). This provision does not apply to bridges which connect the United States with any foreign country.

(d) *Form.* The application for the approval of plans consists of a letter accompanied with maps and plans of the proposed structure.

(e) *Signature.* In case of signature by an agent or by an official of a corporation, a duly authenticated copy of the authority for the action must accompany the application.

(f) *Identification.* If the applicant is a corporation, it must furnish certified copies of the following papers, all properly authenticated: The charter or articles of incorporation; the minutes of organization; extract from minutes showing the names of the present officers of the corporation.

(1) Where State laws vest in State or county officers, such as boards of supervisors and county courts, the power to authorize the construction of bridges, they must furnish with their application certified extracts from

their proceedings showing their action authorizing the proposed structure.

(g) *Plans.* Four sets of plans must be submitted with the application, on which the location of the work and the essential features covered by the application will be outlined in red. Each drawing must have a simple title, date and number, preferably in the lower righthand corner.

(h) *Size of sheets.* The drawings will be on letter size sheets. As few sheets will be used as necessary to show clearly what is proposed.

(i) *Special instructions.* (1) The scale will be shown graphically. The north and south line will be indicated by a meridian arrow. Soundings and elevations will be shown in feet and referred to the established Government datum plane at the locality.

(2) The direction of currents will be indicated by an arrow, and the strength of currents, both ebb and flow, or low water and high water, will be shown close to the proposed location of the bridge, and at both ends of the waterway shown on the map of location.

(3) The plans will show in figures the least clear height of the lowest part of the superstructure over navigation openings, with reference to the planes of mean high water and mean low water if the bridge is to cross tidal water. If the waters are nontidal, the least clear height will be shown with reference to the planes of extreme high water and mean low water. If records of river heights are available, the plane above which flood waters have not remained more than 2 percent of the time will be indicated. Reference will also be made to other datum planes if appropriate for the waterway in question.

(4) If harbor lines have been established at the site of the bridge, their position will be shown on the plans.

(j) *Structural details.* Only those should be shown which are needed to illustrate the effect of the proposed structure on navigation. If the bridge is to be equipped with a draw, the latter will be shown in two positions: closed and open.

(k) *To whom application should be presented.* The application and the papers and plans accompanying it

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should be submitted to the District Commander having jurisdiction over the area in which the bridge site is located.

[CGFR 67-46, 32 FR 17771, Dec. 12, 1967, as amended by CGD 75-046, 40 FR 24898, June 11, 1975; CGD 80-099, 46 FR 38354, July 27, 1981; CGD 82-102, 48 FR 54299, Dec. 2, 1983]

§ 115.60 Procedures for handling applications for bridge construction permits.

The following procedures will be observed in the handling of applications for permits to construct, modify, or replace bridges over navigable waters.

(a) *District Commander's review of application and plans.* When an application is received, the District Commander verifies the authority for construction of the bridge, reviews the application and plans for sufficiency, ascertains the views of local authorities and other interested parties, and ensures that the application complies with relevant environmental laws, regulations, and orders. If the application contains any defects that would prevent issuance of a permit (as for example, if the proposed bridge provided insufficient clearance), the applicant is notified that the permit cannot be granted and given reasons for this determination. The applicant may then request that the application be considered by the Commandant. If the applicant makes such a request, or if the application is not found defective, the District Commander notifies the public that it has been received and continues its processing. A copy of this notification will be sent to the state, interstate agency or the Environmental Protection Agency (EPA) responsible for acting on requests for water quality certification for the project. If the state, interstate agency, or the EPA fails to issue or deny the water quality certification within 30 days after receiving the copy of this notification, the requirements for a water quality certification are waived. If the appropriate agency notifies the District Commander that the applicant has not filed a request for water quality certification, or requests additional time to review an application, additional time will be granted.

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(b) *Public hearing.* (1) Public hearings will be held when there are substantial issues concerning the effect that the proposed bridge will have on the reasonable needs of navigation.

(2) Notice of the public hearing will be published in the *FEDERAL REGISTER*. Notice of the hearing is also mailed to State, county, and municipal authorities and all other known interested parties. It is also posted at the post office nearest the site and public places in the vicinity.

(3) Hearings are public and conducted in an informal manner. A designated Coast Guard official presides. The submission of written statements is invited and encouraged. Anyone desiring to do so may speak. Statements, written or oral, are not under oath, and cross-examination is not permitted. No fixed order has been established for the presentation of evidence or argument although proponents are generally heard first, followed by opponents with full opportunity afforded for rebuttals.

(c) *Report and recommendations.* After the close of the comment period and any public hearings, a detailed statement of findings, conclusions, and recommendations based on all available information (including Coast Guard records and experience) is prepared. The following factors may be discussed in this report:

(1) Comparison of proposed bridge with existing bridges over the waterway; attitude of local authorities; summary of objections raised by the public, and District Commander's comments or responses; probable effect on navigation, present and prospective.

(2) Description of the navigation of the waterway past the site of the proposed bridge, the number and type of vessels, the number of vessel trips, and the principal method of handling traffic, whether in single vessels or tows.

(3) Whether the District Commander approves, or recommends approval of the plans. If they are found objectionable, the reasons for this finding will be stated. If there are objectionable features in the plans which may be corrected, the applicant is given opportunity to revise them. If approval is given or recommended, all conditions

tions to which the permit should be subject will be stated.

(d) *Action on permit application.* (1) The District Commander may issue the permit if authorized under § 1.01-60(b) of this chapter; otherwise, a report with the application shall be submitted to the Commandant for final action.

(2) When an application is approved, the issuing official signs the permit and transmits it to the applicant.

(3) When an application is not approved, the applicant is notified and provided with reasons for the disapproval, and suggestions for modifications that would justify reconsideration, if appropriate.

(4) If an application is disapproved by the District Commander, the applicant may appeal this decision to the Commandant under § 114.50 of this chapter. The Commandant's determination shall constitute final agency action.

(e) *Permit amendments.* Applications for amendments to permits will be processed in the same manner as permit applications. The District Commander may approve amendments to any permits which that official is authorized to issue under § 1.01-60(b) of this chapter. All other amendments must be approved by the Commandant.

(5 U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 401, 491, 499, and 525; 49 U.S.C. 1655(g), and 49 CFR 1.46(c) and (q))

(CGD 80-099, 46 FR 38354, July 27, 1981; 46 FR 42268, Aug. 20, 1981, as amended by CGD 82-006, 47 FR 36641, Aug. 23, 1982; CGD 82-074, 47 FR 51865, Nov. 18, 1982)

§115.70 Advance approval of bridges.

(a) The General Bridge Act of 1946 requires the approval of the location and plans of bridges prior to start of construction (33 U.S.C. 525). The Commandant has given his advance approval to the location and plans of bridges to be constructed across reaches of waterways navigable in law, but not actually navigated other than by logs, log rafts, rowboats, canoes and small motorboats. In such cases the clearances provided for high water stages will be considered adequate to meet the reasonable needs of navigation.

(b) The term "small motorboats" shall be interpreted in the light of the things and conditions with which it is associated. The term means rowboats, canoes and other similar craft with outboard motors. It does not include sailing or cabin cruiser craft. The term is used to distinguish such craft from the definition of "motorboat" in the Motorboat Act of June 25, 1940 (46 U.S.C. 526), which includes craft up to 65 feet in length.

(14 U.S.C. 633; 33 U.S.C. 401, 491, and 525; 49 U.S.C. 1655(g); and 49 CFR 1.46(c))

(CGFR 67-46, 32 FR 17771, Dec. 12, 1967, as amended by CGD 81-076, 46 FR 54936, Nov. 5, 1981)

PART 116—ALTERATION OF OBSTRUCTIVE BRIDGES

Sec.

116.01 Purpose.

116.05 Alteration of bridges other than railroad or publicly owned highway bridges.

116.10 Alteration of railroad or publicly owned highway bridges.

116.15 Investigation of complaints of obstructive bridges.

116.20 Hearings to be held on obstructive bridges.

116.25 Order to alter obstructive bridges.

116.30 Approval of award and guaranty of cost under Truman-Hobbs Act.

AUTHORITY: Sec. 5, 28 Stat. 362, as amended, sec. 11, 54 Stat. 501, as amended, sec. 12, 60 Stat. 244, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 521, 5 U.S.C. 559, 49 U.S.C. 1655(g); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3).

SOURCE: CGFR 67-46, 32 FR 17773, Dec. 12, 1967, unless otherwise noted.

§ 116.01 Purpose.

This part states the general course and method by which certain functions, powers, and duties regarding alteration of obstructive bridges delegated to the Commandant, U.S. Coast Guard, are channeled and determined, including the nature and requirements of all procedures as well as forms and instructions. They are intended to show what the Coast Guard requires and how it acts in a given situation.

§ 116.05

§ 116.05 Alteration of bridges other than railroad or publicly owned highway bridges.

Whenever the Commandant has good reason to believe that a bridge across any of the navigable waters of the United States, other than a railroad or publicly owned highway bridge, is an unreasonable obstruction to navigation, it shall be his duty, after giving the parties interested reasonable opportunity to be heard, to notify the persons or corporation owning or controlling such bridge to alter it so as to render navigation through or under it reasonably free, easy, and unobstructed. He shall specify the changes that are required to be made and shall prescribe a reasonable time in which to accomplish them. Failure to comply with such notice will subject the owner or controller of the bridge to the penalties prescribed by law (33 U.S.C. 494; 33 U.S.C. 502).

§ 116.10 Alteration of railroad or publicly owned highway bridges.

(a) Whenever the Commandant has good reason to believe that a railroad or publicly owned highway bridge across any of the navigable waters of the United States is an unreasonable obstruction to navigation, it shall be his duty, after giving notice to interested parties, to hold a public hearing at which the bridge owner, those interested in water navigation, railway and/or highway traffic, and any other parties in interest shall have full opportunity to offer evidence and be heard as to whether alterations to the bridge are necessary and, if so, to what extent. Due regard shall be given to the necessities of free and unobstructed water navigation and of rail and/or highway traffic. If the Commandant thereafter determines that alteration of the bridge is necessary, he shall issue to the bridge owner an order to alter, under the provisions of the Truman-Hobbs Act (act of June 21, 1940, as amended; 54 Stat. 497; 33 U.S.C. 511 et seq.), specifying such changes as he finds necessary for the purpose of navigation.

(b) The Truman-Hobbs Act further provides for the approval by the Commandant of general plans and specifications and contracts for the project

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and apportionment of the total cost thereof between the United States and the bridge owner.

(c) Penalties for noncompliance with lawful orders issued pursuant to the Truman-Hobbs Act are prescribed by law.

§ 116.15 Investigation of complaints of obstructive bridges.

(a) Upon receipt of a complaint that a bridge over a navigable waterway of the United States is an obstruction to navigation, the District Commander will investigate to determine if, in his opinion, the complaint is justified. If the District Commander does not consider the bridge unreasonably obstructive to navigation he will so notify the complainant. If the District Commander finds that the bridge is unreasonably obstructive or is unable to satisfy the complainant that the bridge is not obstructive, he will submit a report to the Chief, Office of Navigation Safety and Waterway Services, specifying the character of obstruction, the changes necessary to render navigation through or under the bridge reasonably free, easy, and unobstructed, and his estimate of a reasonable period of time in which to make the required changes. In cases under the Truman-Hobbs Act, the estimate of time required need not be included but the best available preliminary estimate of total cost of the required changes and probable portion of cost to be borne by the United States will be stated.

(b) The Chief, Office of Navigation Safety and Waterway Services will notify the District Commander of the action desired after consideration of the report on the complaint.

(5 U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 461, 491, 499, and 525; 49 U.S.C. 1655(g), and CFR 1.46(c) and (q))

[CGFR 67-46, 32 FR 17773, Dec. 12, 1967, as amended by CGFR 71-95, 36 FR 19160 Sept. 30, 1971; CGD 80-099, 46 FR 38355, July 27, 1981; CGD 88-052, 53 FR 25120, July 1, 1988]

§ 116.20 Hearings to be held on obstructive bridges.

(a) Upon receipt of authority from the Chief, Office of Navigation Safety

and Waterway Services, the District Commander will arrange for a hearing at which the owners and controllers of the bridge, the complainants, and all other known interested parties will be given reasonable opportunity to be heard.

(b) The notice of the hearing will include statements of the changes required and, except in cases under the Truman-Hobbs Act, the estimate of time considered reasonable for accomplishment of the changes.

(c) Upon conclusion of hearings, the District Commander will submit to the Chief, Office of Navigation Safety and Waterway Services a full report on the subject, including statements on:

(1) Whether the bridge unreasonably obstructs navigation.

(2) Whether rafts, selfpropelled vessels, or other watercraft have difficulty in passing the draw opening or drawspan.

(3) The changes necessary to render navigation through or under the bridge reasonably free, easy, and unobstructed.

(4) The reasonable time in which such changes should be made, except in the case of railroad or publicly owned highway bridges.

(5) The character and the approximate amount of commerce affected by the obstructive features of the bridge.

(6) Whether, in the judgment of the District Commander, the commerce affected is sufficient to justify the proposed changes in the bridge.

(7) An estimate of cost of alterations and proportionate share to be borne by the United States in actions relating to railroad or publicly owned highway bridges.

(8) A sketch on letter size paper showing the principal features of the bridge, the particular features against which complaint is made, and any other natural or artificial feature pertinent to consideration of the complaint.

(9) A transcript of the proceedings of the hearing.

§ U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 401, 401, 499, and 525; 49 U.S.C. 1655(g), and 49 CFR 1.46(c) and (q))

(CGFR 87-46, 32 FR 17773, Dec. 12, 1967, as amended by CGFR 71-95, 36 FR 19160 Sept.

30, 1971; CGD 80-099, 46 FR 38355, July 27, 1981; CGD 88-52, 53 FR 25120, July 1, 1988)

§ 116.25 Order to alter obstructive bridges.

(a) Should the Commandant decide, after review of the report of the District Commander, that a bridge is an unreasonable obstruction to navigation, he will issue an "Order to Alter." Such order will be promptly served on the proper parties. A copy of the order as served, together with a statement thereon executed by the person serving the order showing on whom, when and where the service was made will be returned to the Commandant.

(b) The owner of a bridge to be altered under the provisions of the Truman-Hobbs Act, as amended (54 Stat. 497; 33 U.S.C. 511 et seq.), will be advised by the District Commander of the requirements for submission of general plans and specifications. These general plans and specifications will be submitted to the District Commander, who will forward them to the Commandant for approval, together with his comments and recommendations on the proposed navigational clearances. The Commandant will then determine:

(1) Whether the plans and specifications provide for the minimum structure meeting the requirements of the "Order to Alter."

(2) Whether the plans and specifications include items of features not necessary to meet the "Order to Alter" but desired by the bridge owner.

(3) Whether the plans and specifications provide for materials or workmanship of a higher grade than that of comparable items of features of the existing bridge, or where no counterpart, of a higher grade than provided in recommended practice of the Association of American Railroads.

(4) Necessary revisions, if any, of the preliminary estimate of cost and apportionment.

(c) The Commandant will notify the bridge owner of the approval of the plans and specifications and will inform him of the requirements of sections 5 and 6 of the Truman-Hobbs Act, as amended (54 Stat. 498, 499; 33 U.S.C. 515, 516), with respect to submission of bids and guaranty of cost.

§ 116.30 Approval of award and guaranty of cost under Truman-Hobbs Act.

(a) Bids obtained by the bridge owner will be submitted to the Commandant. The Commandant will notify the bridge owner when award is approved and will request him to furnish the guaranty of cost and a statement of the proportionate shares of cost to be borne by the United States and the owner in the following form:

Cost of alteration..... \$.....
 Cost attributable to bridge owner, viz:
 Direct and special benefits..... \$.....
 Expectable savings in repair or maintenance costs.....
 Costs attributable to the requirements of railroad traffic.....
 Expenditure for increased carrying capacity.....
 Expected service life of old bridge.....
 Cost..... \$.....
 Cost to be borne by the United States..... \$.....

(b) Direct and special benefits will ordinarily include such items as improved signal and fender system, pro rata share of dismantling costs, and improvements included but not required in the interests of navigation. The foregoing statements will include or be accompanied by breakdown of the statements of total cost and proportionate shares and sufficient details of the features of construction to show how the apportionment was determined and to permit review and auditing of the statements.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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 117.6 When the draw shall open.
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 117.9 Delaying opening of a draw.
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Sec.
 117.19 Signalling when two or more vessels are approaching a drawbridge.
 117.21 Signalling for an opened drawbridge.
 117.23 Installation of radiotelephones.
 117.24 Radiotelephone installation identification.
 117.31 Closure of draw for emergency vehicles.
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 117.35 Operations during repair or maintenance.
 117.37 Opening or closure of draw for public interest concerns.
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 117.45 Operation during winter season in the Great Lakes area.
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117.51 Purpose.
 117.53 Applicability.
 117.55 Posting of requirements.
 117.57 Advance notice.
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ALABAMA

117.101 Alabama River.
 117.103 Bayou LaBatre.
 117.105 Bayou Sara.
 117.107 Chattahoochee River.
 117.109 Coosa River.
 117.113 Tensaw River.
 117.115 Three Mile Creek.

ARKANSAS

117.121 Arkansas River.
 117.123 Arkansas and White Rivers—Automated Railroad Bridges.
 117.125 Black River.
 117.127 Current River.
 117.129 Little Red River.
 117.131 Little River.
 117.133 Ouachita River.
 117.135 Red River.
 117.137 St. Francis River.
 117.139 White River.

CALIFORNIA

117.140 General.
 117.141 American River.
 117.143 Blahop Cut.
 117.145 Burns Cutoff.
 117.147 Cerritos Channel.
 117.149 China Basin, Mission Creek.

117.150 Connection Slough.
 117.151 Cordella Slough (A tributary of
 Suisun Bay).
 117.153 Corte Madera Creek.
 117.155 Eureka Slough.
 117.157 Georgiana Slough.
 117.159 Grant Line Canal.
 117.161 Honker Cut.
 117.163 Islais Creek (Channel).
 117.165 Lindsey Slough.
 117.167 Little Potato Slough.
 117.169 Mare Island Strait, Napa River,
 and their tributaries.
 117.171 Middle River.
 117.173 Miner Slough.
 117.175 Mokelumne River.
 117.177 Mud Slough.
 117.179 Newark Slough.
 117.181 Oakland Inner Harbor Tidal Canal.
 117.183 Old River.
 117.185 Pacheco Creek.
 117.187 Petaluma River.
 117.189 Sacramento River.
 117.191 San Joaquin River.
 117.193 San Leandro Bay.
 117.195 Snodgrass Slough.
 117.197 Sonoma Creek.
 117.199 Steamboat Slough.
 117.201 Sutter Slough.

CONNECTICUT

117.202 Cold Spring Brook.
 117.205 Connecticut River.
 117.207 Housatonic River.
 117.209 Mianus River.
 117.211 Mystic River.
 117.213 New Haven Harbor, Quinnipiac
 and Mill Rivers.
 117.215 Niantic River.
 117.217 Norwalk River.
 117.219 Pequonnock River.
 117.221 Saugatuck River.
 117.223 Shaw Cove.
 117.224 Thames River.
 117.225 Yellow Mill Channel.

DELAWARE

117.231 Brandywine Creek.
 117.233 Broad Creek.
 117.235 Chesapeake and Delaware Canal.
 117.237 Christina River.
 117.239 Lewes and Rehoboth Canal.
 117.241 Mispillion River.
 117.243 Nanticoke River.
 117.245 Smyrna River.
 117.247 St. Jones River.

DISTRICT OF COLUMBIA

117.253 Anacostia River.
 117.255 Potomac River.

FLORIDA

117.261 Atlantic Intracoastal Waterway
 from St. Marys River to Key Largo.
 117.263 Banana River.
 117.265 Bayou Chico.

117.267 Big Carlos Pass.
 117.269 Blacayne Bay.
 117.271 Blackwater River.
 117.273 Canaveral Barge Canal.
 117.275 Choctawhatchee River.
 117.277 Clearwater Pass.
 117.279 Coffeepot Bayou.
 117.283 Dunns Creek.
 117.285 Great Canal.
 117.287 Gulf Intracoastal Waterway.
 117.289 Hillsboro Inlet.
 117.291 Hillsborough River.
 117.293 Indian Creek.
 117.295 Kissimmee River.
 117.297 Little Manatee River.
 117.299 Longboat Pass.
 117.300 Loxahatchee River.
 117.301 Manatee River.
 117.303 Matlacha Pass.
 117.305 Miami River.
 117.307 Miami River, North Fork.
 117.309 Nassau Sound.
 117.311 New Pass.
 117.315 New River, South Fork.
 117.317 Okeechobee Waterway.
 117.319 Oklawaha River.
 117.321 Orange River.
 117.323 Outer Clam Bay.
 117.325 St. Johns River.
 117.327 St. Marks River.
 117.329 St. Marys River.
 117.333 Suwannee River.
 117.335 Taylor Creek.
 117.337 Trout River.
 117.341 Whitcomb Bayou.

GEORGIA

117.351 Altamaha River.
 117.353 Atlantic Intracoastal Waterway,
 Savannah River to St. Marys River.
 117.359 Chattahoochee River.
 117.361 Flint River.
 117.363 Ocmulgee River.
 117.365 Oconee River.
 117.367 Ogeechee River.
 117.369 Satilla River.
 117.371 Savannah River.
 117.373 St. Marys River.

IDAHO

117.381 Clearwater River.
 117.383 Pend Oreille River.
 117.385 Snake River.

ILLINOIS

117.389 Calumet River.
 117.391 Chicago River.
 117.393 Illinois River.
 117.395 Illinois Waterway.
 117.397 Wabash River.

INDIANA

117.401 Trail Creek.
 117.403 Wabash River.

Part 117

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IOWA		117.506	Tickfaw River.
117.407	Missouri River.	117.507	Tigre Bayou.
KANSAS		117.509	Vermillion River.
117.411	Missouri River.	117.511	West Pearl River.
KENTUCKY		MAINE	
117.415	Green River.	117.521	Back Cove.
117.417	Ohio River.	117.523	Back River.
LOUISIANA		117.524	Fore River.
117.422	Amite River.	117.525	Kennebec River.
117.423	Atchafalaya River.	117.527	Kennebank River.
117.424	Belle River.	117.529	Narraguagus River.
117.425	Black Bayou.	117.531	Piscataqua River.
117.427	Black River.	117.532	Presumpscot River.
117.429	Boeuf Bayou.	117.533	Sheepscot River.
117.431	Boeuf River.	117.535	Taunton River.
117.435	Caddo Lake.	MARYLAND	
117.436	Carlin Bayou.	117.541	Baltimore Harbor—Patapsco River.
117.437	Colyell Bayou.	117.543	Bear Creek.
117.438	Company Canal.	117.545	Bohemia River.
117.439	Des Allemands Bayou.	117.547	Bush River.
117.441	D'Inde Bayou.	117.549	Cambridge Harbor.
117.443	Du Large Bayou.	117.551	Chester River.
117.445	Franklin Canal.	117.553	Choptank River.
117.447	Grand Cabahanosse Bayou.	117.555	College Creek.
117.449	Grosse Tete Bayou.	117.557	Curtis Creek.
117.451	Gulf Intracoastal Waterway.	117.559	Isle of Wight Bay.
117.453	Houma Canal.	117.561	Kent Island Narrows.
117.455	Houma Navigation Canal.	117.563	Marshyhope Creek.
117.457	Houston River.	117.565	Miles River.
117.458	Inner Harbor Navigation Canal.	117.567	Patuxent River.
New Orleans.		117.569	Pocomoke River.
117.459	Kelso Bayou.	117.571	Spa Creek.
117.460	La Carpe Bayou.	117.573	Stoney Creek.
117.461	Lacassine Bayou.	117.575	Susquehanna River.
117.463	Lacombe Bayou.	117.577	Weems Creek.
117.465	Lafourche Bayou.	117.579	Wicomico River (North Prong).
117.467	Lake Pontchartrain.	MASSACHUSETTS	
117.469	Liberty Bayou.	117.585	Acushnet River.
117.471	Little Black Bayou.	117.587	Apponaganset River.
117.473	Little River.	117.589	Cape Cod Canal.
117.475	Little (Petit) Caillou Bayou.	117.591	Charles River.
117.477	Lower Atchafalaya River.	117.593	Chelsea River.
117.478	Lower Grand River.	117.595	Danvers River.
117.479	Macon Bayou.	117.597	Dorchester Bay.
117.480	Mermentau River.	117.598	Eel Pond Channel.
117.481	Milhomme Bayou.	117.599	Fort Point Channel.
117.482	Nezpieque Bayou.	117.601	Malden River.
117.483	Ouachita River.	117.603	Manchester Harbor.
117.485	Patout Bayou.	117.605	Merrimack River.
117.486	Pierre Pass.	117.607	Mitchell River.—
117.487	Plaquemine Bayou.	117.609	Mystic River.
117.488	Pearl River.	117.611	Neponset River.
117.489	Plaquemine Brule Bayou.	117.613	North River.
117.491	Red River.	117.615	Plum Island River.
117.493	Sabine River.	117.617	Reserved Channel.
117.494	Schooner Bayou Canal.	117.618	Saugus River.
117.495	Superior Oil Canal.	117.619	Taunton River.
117.497	Stumpy Bayou.	117.621	Weymouth Fore River.
117.499	Tante Phine Pass.	MICHIGAN	
117.500	Tchefuncta River.	117.624	Black River (South Haven).
117.501	Teche Bayou.	117.625	Black River.
117.503	Tensas River.		
117.505	Terrebonne Bayou.		

117.627 Cheboygan River.
 117.631 Detroit River (Trenton Channel).
 117.633 Grand River.
 117.635 Keweenaw Waterway.
 117.637 Manistee River.
 117.639 Ontonagon River.
 117.641 Pine River (Charlevoix).
 117.643 Pine River (St. Clair).
 117.645 River Rouge.
 117.647 Saginaw River.
 117.651 St. Joseph River.
 117.653 St. Mary's Fall Canal.
 117.655 Thunder Bay River.

MINNESOTA

117.661 Duluth Ship Canal (Duluth-Superior Harbor).
 117.663 Minnesota River.
 117.665 Red River of the North.
 117.667 St. Croix River.
 117.669 St. Louis River (Duluth-Superior Harbor).
 117.671 Upper Mississippi River.

MISSISSIPPI

117.675 Back Bay of Biloxi.
 117.677 Big Sunflower River.
 117.679 Escatawpa River.
 117.681 Old Fort Bayou.
 117.683 Pascagoula River.
 117.684 Pearl River.
 117.685 Yazoo River.

MISSOURI

117.687 Missouri River.
 117.689 Osage River.

NEBRASKA

117.691 Missouri River.

NEW HAMPSHIRE

117.697 Hampton River.
 117.699 Little Harbor.
 117.700 Piscataqua River.

NEW JERSEY

117.701 Alloway Creek.
 117.703 Bass River.
 117.705 Beaver Dam Creek.
 117.709 Cheesapeake Creek.
 117.711 Cohansey River.
 117.713 Cooper River.
 117.715 Debbies Creek.
 117.716 Delaware River.
 117.719 Elizabeth River.
 117.723 Hackensack River.
 117.725 Manantico Creek.
 117.727 Manasquan River.
 117.729 Mantua Creek.
 117.731 Maurice River.
 117.731a Mullica River.
 117.732 Nacote Creek.
 117.733 New Jersey Intracoastal Waterway.
 117.734 Navesink River (Swimming River).

117.735 Newark Bay.
 117.736 Oceanport Creek.
 117.737 Oldmans Creek.
 117.738 Overpeck Creek.
 117.739 Passaic River.
 117.741 Raccoon Creek.
 117.743 Rahway River.
 117.745 Rancocas River (Creek).
 117.747 Raritan River, Arthur Kill, and their tributaries.
 117.749 Salem River.
 117.750 Schellenger Creek.
 117.751 Shark River (South Channel).
 117.753 Ship Channel, Great Egg Harbor Bay.

117.755 Shrewsbury River.
 117.756 South River.
 117.757 Tuckahoe River.
 117.759 Wading River.
 117.761 Woodbridge Creek.

NEW YORK

117.771 Bronx River.
 117.773 Buffalo River.
 117.775 Coney Island Creek.
 117.777 Dutch Kills.
 117.779 Eastchester Bay (Arm of).
 117.781 East River.
 117.783 Flushing Creek.
 117.785 Genesee River.
 117.787 Gowanus Canal.
 117.789 Harlem River.
 117.791 Hudson River.
 117.793 Hutchinson River.
 117.795 Jamaica Bay and Connecting Waterways.
 117.797 Lake Champlain.
 117.799 Long Island, New York Island Waterway from East Rockaway Inlet to Shinnecock Canal.
 117.801 Newtown Creek (East Branch).
 117.803 Niagara River.
 117.805 Peekskill (Annsville) Creek.
 117.807 Richmond Creek.
 117.809 Tonawanda Creek.
 117.811 Tonawanda Harbor.
 117.813 Wappinger Creek.
 117.815 Westchester Creek.

NORTH CAROLINA

117.821 Atlantic Intracoastal Waterway, Albemarle Sound to Sunset Beach.
 117.822 Beaufort Channel.
 117.823 Neuse River.
 117.825 Newport River.
 117.827 New River.
 117.829 Northeast River.
 117.831 Pamlico and Tar Rivers.
 117.833 Pasquotank River.
 117.835 Perquimans River.
 117.837 Roanoke River.
 117.838 Roanoke Sound.
 117.839 Scuppernon River.
 117.841 Smith Creek.
 117.843 Trent River.

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TEXAS

- 117.951 Arroyo Colorado River.
117.953 Brazos River (Diversión Channel)
117.955 Buffalo Bayou.
117.957 Cedar Bayou.
117.959 Chocolate Bayou.
117.961 Clear Creek.
117.963 Colorado River.
117.965 Cow Bayou.
117.967 Greens Bayou.
117.969 Lavaca River.
117.971 Neches River.
117.973 Nueces Bay.
117.975 Old Brazos River.
117.977 Pelican Island Causeway, Galveston Channel.

VERMONT

- 117.979 Sabine Lake.
117.981 Sabine River.
117.983 Sabine River (Old Channel) below
Orange Harbor Island.
117.984 San Bernard River.
117.987 Taylor Bayou.
117.989 Trinity River.
117.991 Victoria Channel.

VIRGINIA

- 117.995 Appomattox River.
117.997 Atlantic Intracoastal Waterway
South Branch of the Elizabeth River to
the Albemarle and Chesapeake Canal.
117.999 Blackwater River.
117.1001 Cat Point Creek.
117.1003 Chickahominy River.
117.1007 Elizabeth River—Eastern Branch.
117.1011 Great Wicomico River.
117.1013 Kinsale Creek.
117.1015 Mattaponi River.
117.1017 Nansemond River.
117.1019 Nansemond River—Western
Branch.
117.1021 North Landing River.

WASHINGTON

- | | | |
|----------|-----------------------------|-----------|
| 117.1031 | Chehalis River. | |
| 117.1035 | Columbia. | |
| 117.1037 | Cowlitz River. | |
| 117.1039 | Deep River. | |
| 117.1041 | Duwamish Waterway. | |
| 117.1045 | Hood Canal. | |
| 117.1047 | Huqiam River. | |
| 117.1049 | Lake Washington. | |
| 117.1051 | Lake Washington Ship Canal. | |
| 117.1053 | Lewis River. | |
| 117.1055 | Skagit River. | |
| 117.1057 | Skamokawa Creek. | |
| 117.1058 | Snake River. | |
| 117.1059 | Snohomish River. | Steamboat |
| | Sough, and Ebey Slough. | |
| 117.1061 | Tacoma Harbor. | |
| 117.1063 | Willapa River. | |
| 117.1065 | Wishkah River. | |

SOUTH DAKOTA

- 117.941 Missouri River.

117.943 Cumberland River.
117.945 Hatchie River.
117.947 Obion River.
117.949 Tennessee River.

WISCONSIN

- 117.1081 Black River.
- 117.1083 Duluth-Superior Harbor (St. Louis River).
- 117.1085 East River.
- 117.1087 Fox River.
- 117.1089 Manitowoc River.
- 117.1091 Menomonee River.
- 117.1093 Milwaukee, Menomonee, and Kinnickinnic Rivers and South Menomonee and Burnham Canals.
- 117.1095 Root River.
- 117.1097 Sheboygan River.
- 117.1099 St. Croix River.
- 117.1101 Sturgeon Bay.
- 117.1103 Upper Mississippi River.
- 117.1105 Wisconsin River.
- 117.1107 Wolf River.

APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES

AUTHORITY: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

SOURCE: CGD 82-025, 49 FR 17452, Apr. 24, 1984, unless otherwise noted.

Subpart A—General Requirements

§ 117.1 Purpose.

This subpart prescribes general requirements relating to the use and operation of drawbridges across the navigable waters of the United States.

NOTE: The primary jurisdiction to regulate drawbridges across the navigable waters of the United States is vested in the Federal Government. Laws, ordinances, regulations, and rules which purport to regulate these bridges and which are not promulgated by the Federal Government have no force and effect.

§ 117.3 Applicability.

The provisions of this subpart not in conflict with the provisions of Subpart B apply to each drawbridge.

NOTE: For all of the requirements applicable to a drawbridge listed in Subpart B, one must review the requirements in Subpart A and §§ 117.51 through 117.99 of Subpart B, as well as the requirements in Subpart B applicable to the particular drawbridge in question.

§ 117.5 When the draw shall open.

Except as otherwise required by this subpart, drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with this subpart.

EDITORIAL NOTE: For FEDERAL REGISTER citations relating to temporary deviations from the regulatory provisions in § 117.5, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 117.7 General duties of drawbridge owners and tenders.

(a) Drawbridge owners and tenders shall operate the draw in accordance with the requirement in this part.

(b) Except for drawbridges not required to open for the passage of vessels, owners of drawbridges shall ensure that:

(1) The necessary drawtenders are provided for the safe and prompt opening of the draw;

(2) The operating machinery of the draw is maintained in a serviceable condition; and.

(3) The draws are operated at sufficient intervals to assure their satisfactory operation.

§ 117.9 Delaying opening of a draw.

No person shall unreasonably delay the opening of a draw after the signals required by § 117.15 have been given.

NOTE: Trains are usually controlled by the block method. That is, the track is divided into blocks or segments of a mile or more in length. When a train is in a block with a drawbridge, the draw may not be able to open until the train has passed out of the block and the yardmaster or other manager has "unlocked" the drawbridge controls. The maximum time permitted for delay is defined in Subpart B for each affected bridge. Land and water traffic should pass over or through the draw as soon as possible in order to prevent unnecessary delays in the opening and closure of the draw.

§ 117.11 Appurtenances unessential to navigation.

No vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation or which is easily lowered.

§ 117.15 Signals.

(a) General. (1) The operator of each vessel requesting a drawbridge to open shall signal the drawtender and the drawtender shall acknowledge that signal. The signal shall be repeated until acknowledged in some manner by the drawtender before proceeding.

(2) The signals used to request the opening of the draw and to acknowledge that request shall be sound signals, visual signals, or radiotelephone communications described in this subpart.

(3) Any of the means of signaling described in this subpart sufficient to alert the part being signaled may be used.

(b) *Sound signals.* (1) Sound signals shall be made by whistle, horn, megaphone, hailer, or other device capable of producing the described signals loud enough to be heard by the drawtender.

(2) As used in this section, "prolonged blast" means a blast of four to six seconds duration and "short blast" means a blast of approximately one second duration.

(3) The sound signal to request the opening of a draw is one prolonged blast followed by one short blast sounded not more than three seconds after the prolonged blast. For vessels required to be passed through a draw during a scheduled closure period, the sound signal to request the opening of the draw during that period is five short blasts sounded in rapid succession.

(4) When the draw can be opened immediately, the sound signal to acknowledge a request to open the draw is one prolonged blast followed by one short blast sounded not more than 30 seconds after the requesting signal.

(5) When the draw cannot be opened immediately, or is open and shall be closed promptly, the sound signal to acknowledge a request to open the draw is five short blasts sounded in rapid succession not more than 30 seconds after the vessel's opening signal. The signal shall be repeated until acknowledged in some manner by the requesting vessel.

(c) *Visual signals.* (1) The visual signal to request the opening of a draw is—

(i) A white flag raised and lowered vertically; or

(ii) A white, amber, or green light raised and lowered vertically.

(2) When the draw can be opened immediately, the visual signal to acknowledge a request to open the draw,

given not more than 30 seconds after the vessel's opening signal, is—

(i) A white flag raised and lowered vertically;

(ii) A white, amber, or green light raised and lowered vertically; or

(iii) A fixed or flashing white, amber, or green light or lights.

(3) When the draw cannot be opened immediately, or is open and must be closed promptly, the visual signal to acknowledge a request to open the draw is—

(i) A red flag or red light swung back and forth horizontally in full sight of the vessel given not more than 30 seconds after the vessel's opening signal; or

(ii) A fixed or flashing red light or lights given not more than 30 seconds after the vessel's opening signal.

(4) The acknowledging signal when the draw cannot open immediately or is open and must be closed promptly shall be repeated until acknowledged in some manner by the requesting vessel.

(d) *Radio telephone communications.* (1) Radiotelephones may be used to communicate the same information provided by sound and visual signals.

NOTE: Call signs and radio channels for drawbridges with radiotelephones are listed in Appendix A to this part.

(2) The vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw.

(3) When radiotelephone contact cannot be initiated or maintained, sound or visual signals under this section shall be used.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 82-025, 50 FR 11366, Mar. 21, 1985; CGD 84-022, 51 FR 16308, May 2, 1986]

§ 117.17 Signalling for contiguous drawbridges.

When a vessel must pass two or more drawbridges close together, the opening signal is given for the first bridge. After acknowledgment from the first bridge that it will promptly open, the opening signal is given for the second bridge, and so on until all bridges that the vessel must pass have been given the opening signal and

have acknowledged that they will open promptly.

§ 117.19 Signalling when two or more vessels are approaching a drawbridge.

When two or more vessels are approaching the same drawbridge at the same time, or nearly the same, time, whether from the same or opposite directions, each vessel shall signal independently for the opening of the draw and the drawtender shall reply in turn to the signal of each vessel. The drawtender need not reply to signals by vessels accumulated at the bridge for passage during a scheduled open period.

§ 117.21 Signalling for an opened drawbridge.

When a vessel approaches a drawbridge with the draw in the open position, the vessel shall give the opening signal. If no acknowledgment is received within 30 seconds, the vessel may proceed, with caution, through the open draw.

§ 117.23 Installation of radiotelephones.

(a) When the District Commander deems it necessary for reasons of safety of navigation, the District Commander may require the installation and operation of a radiotelephone on or near a drawbridge.

(b) The District Commander gives written notice of the proposed requirement to the bridge owner.

(c) All comments the owner wishes to submit shall be submitted to the District Commander within 30 days of receipt of the notice under paragraph (b) of this section.

(d) If, upon consideration of the comments received, the District Commander determines that a radiotelephone is necessary, the District Commander notifies the bridge owner that a radiotelephone shall be installed and gives a reasonable time, not to exceed six months, to install the radiotelephone and commence operation.

§ 117.24 Radiotelephone installation identification.

(a) The Coast Guard authorizes, and the District Commander may require the installation of a sign on drawbridges, on the upstream and down-

stream sides, indicating that the bridge is equipped with and operates a VHF radiotelephone in accordance with § 117.23.

(b) The sign shall give notice of the radiotelephone and its calling and working channels—

(1) In plain language; or

(2) By a sign consisting of the outline of a telephone handset with the long axis placed horizontally and a vertical three-legged lightning slash superimposed over the handset. The slash shall be as long vertically as the handset is wide horizontally and normally not less than 27 inches and no more than 36 inches long. The preferred calling channel should be shown in the lower left quadrant and the preferred working channel should be shown in the lower right quadrant.

NOTE: It is recommended that the radiotelephone sign be similar in design to the Service Signs established by the Federal Highway Administration (FHWA) in U.S. Road Symbol Signs using Reflective Blue and Reflective White colors. Color and design information is available from the District Commander of the Coast Guard District in which the bridge is located.

[CGD 84-022, 51 FR 16308, May 2, 1986]

§ 117.31 Closure of draw for emergency vehicles.

When a drawtender is informed by a reliable source that an emergency vehicle is due to cross the draw, the drawtender shall take all reasonable measures to have the draw closed at the time the emergency vehicle arrives at the bridge.

§ 117.33 Closure of draw for natural disasters or civil disorders.

Drawbridges need not open for the passage of vessels during periods of natural disasters or civil disorders declared by the appropriate authorities unless otherwise provided for in Subpart B or directed to do so by the District Commander.

§ 117.35 Operations during repair or maintenance.

(a) When operation of the draw must deviate from the regulations in this part for scheduled repair or maintenance work, the drawbridge owner

§ 117.37

shall request approval from the District Commander at least 30 days before the date of the intended change. The request shall include a brief description of the nature of the work to be performed and the times and dates of requested changes. The District Commander's decision is forwarded to the applicant within five working days of the receipt of the request. If the request is denied, the reasons for the denial are forwarded with the decision.

(b) When the draw is rendered inoperative because of damage to the structure or when vital, unscheduled repair or maintenance work shall be performed without delay, the drawbridge owner shall immediately notify the District Commander and give the reasons why the draw is or should be rendered inoperative and the expected date of completion of the repair or maintenance work.

(c) All repair or maintenance work under this section shall be performed with all due speed in order to return the draw to operation as soon as possible.

(d) If the operation of the draw will be affected for periods of less than 60 days, the regulations in this part will not be amended. Where practicable, the District Commander publishes notice of the temporary deviations from the regulations in this part in the *FEDERAL REGISTER* and Local Notices to Mariners. If operation of the draw is expected to be affected for more than 60 days, the District Commander publishes temporary regulations covering the repair period.

§ 117.37 Opening or closure of draw for public interest concerns.

(a) For reasons of public health or safety or for public functions, such as street parades and marine regattas, the District Commander may authorize the opening or closure of a drawbridge for a specified period of time.

(b) Requests for opening or closure of a draw shall be submitted to the District Commander at least 30 days before the proposed opening or closure and include a brief description of the proposed event or other reason for the request, the reason why the opening or closure is required, and the times

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and dates of the period the draw is to remain open or closed.

(c) Approval by the District Commander depends on the necessity for the opening or closure, the reasonableness of the times and dates, and the overall effect on navigation and users of the bridge.

§ 117.39 Closure of draw due to infrequent use.

Upon written request by the owner or operator of a drawbridge, the District Commander may, after notice in the *FEDERAL REGISTER* and opportunity for public comment, permit the draw to be closed and untended due to infrequency of use of the draw by vessels. The District Commander may condition approval on the continued maintenance of the operating machinery.

§ 117.41 Maintenance of draw in fully open position.

The draw may be maintained in the fully open position to permit the passage of vessels and drawtender service discontinued if the District Commander is notified in advance. The draw shall remain in the fully open position until drawtender service is restored or authorization under § 117.39 is given for the draw to remain closed and untended.

§ 117.43 Changes in draw operation requirements for regulatory purposes.

In order to evaluate suggested changes to the drawbridge operation requirements, the District Commander may authorize temporary deviations from the regulations in this part for periods not to exceed 60 days. Notice of these deviations is disseminated in the Local Notices to Mariners and published in the *FEDERAL REGISTER*.

§ 117.45 Operation during winter in the Great Lakes area.

(a) The Commander, Ninth Coast Guard District, may determine that drawbridges located in the Ninth Coast Guard District need not open during the winter season when general navigation is curtailed, unless a request to open the draw is given at least

12 hours before the time of the intended passage.

(b) Notice of these determinations is disseminated in Local Notices to Mariners and other appropriate media. Notices indicate—

- (1) The name and location of the bridge affected;
- (2) The period of time covered; and
- (3) The telephone number and address of the party to whom requests for openings are given.

§ 117.47 Clearance gages.

(a) Clearance gages are required for drawbridges across navigable waters of the United States discharging into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, DE) or into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, LA), except the Mississippi River and its tributaries and outlets.

(b) Except for provisions in this part which specify otherwise for particular drawbridges, clearance gages shall be designed, installed, and maintained according to the provisions of § 118.160 of this chapter.

NOTE: Clearance gage requirements, if any, for drawbridges other than those referred to in this section are listed in Subpart B under the appropriate bridge.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 84-022, 51 FR 16308, May 2, 1986]

§ 117.49 Process of violations.

(a) Complaints of alleged violations under this part are submitted to the District Commander of the Coast Guard District in which the drawbridge is located.

(b) Penalties for violations under this part are assessed and collected under Subpart 1.07 of Part 1 of this chapter.

Subpart B—Specific Requirements

§ 117.51 Purpose.

This subpart prescribes specific requirements relating to the operation of certain drawbridges.

NOTE: The drawbridges under this subpart are listed by the waterway they cross and by

the state in which they are located. Waterways are arranged alphabetically by state. The drawbridges listed under a waterway are generally arranged in order from the mouth of the waterway moving upstream. The drawbridges on the Atlantic Intracoastal Waterway are listed from north to south and on the Gulf Intracoastal Waterway from east to west.

§ 117.53 Applicability.

(a) The requirements in this subpart apply to the bridges listed and are in addition to, or vary from, the general requirements in Subpart A.

(b) A requirement in this subpart which varies from a general requirement in Subpart A supersedes the general requirement.

(c) All other general requirements in Subpart A not at variance apply to the bridges listed in this subpart.

(d) The draws of a number of the bridges listed in this subpart need not open for the passage of vessels during certain periods, however, this does not preclude the bridge owner from directing the drawtender to open the draw during these periods.

§ 117.55 Posting of requirements.

(a) The owner of each drawbridge under this subpart, other than removable span bridges, shall ensure that a sign summarizing the requirements in this subpart applicable to the bridge is posted both upstream and downstream of the bridge. The requirements to be posted need not include those in Subpart A or §§ 117.51 through 117.99.

(b) The signs shall be of sufficient size and so located as to be easily read at any time from an approaching vessel.

(c) If advance notice is required to open the draw, the signs shall also state the name, address, and telephone number of the person to be notified.

§ 117.57 Advance notice.

Owners and tenders of drawbridges requiring advance notice to open shall use all reasonable means to open the draw at the requested time and give due regard to the possibility that a brief delay may be experienced by the vessel giving the advance notice.

§ 117.59

§ 117.59 Special requirements due to hazards.

For the duration of occurrences hazardous to safety or navigation, such as floods, freshets, and damage to the bridge or fender system, the District Commander may require the owner of an operational drawbridge listed in this subpart to have the bridge attended full time and open on signal.

ALABAMA

§ 117.101 Alabama River.

(a) The draw of the Burlington Northern railroad bridge, mile 105.3 at Coy, shall open on signal if at least 48 hours notice is given.

(b) The draw of the Illinois Central Gulf railroad bridge, mile 277 near Montgomery, shall open on signal if at least 24 hours notice is given.

(c) The draw of the US31 and 82 bridge, mile 278.2 near Montgomery, shall open on signal if at least 24 hours notice is given.

(d) The draw of the Seaboard System Railroad bridge, mile 293.3 near Montgomery, shall open on signal if at least 24 hours notice is given.

§ 117.103 Bayou La Batre.

The draw of the S188 bridge, mile 2.3 at Bayou La Batre, shall open on signal; except that, the draw need not be opened from 8 p.m. to 4 a.m. daily, and from 6:30 to 8:30 a.m. and from 2 to 5 p.m. Monday through Saturday except holidays.

[CGD8-87-11, 53 FR 5165, Feb. 22, 1988]

§ 117.105 Bayou Sara.

The draw of the Seaboard System Railroad bridge, mile 0.1 near Saraland, shall open on signal; except that, from 6 p.m. to 10 a.m. the draw shall open on signal if at least eight hours notice is given. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

[CGD8-85-12, 50 FR 41685, Oct. 15, 1985]

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§ 117.107 Chattahoochee River.

The draws of the Seaboard System Railroad bridge, mile 117.1 near Omaha, GA, shall open on signal if at least six hours notice is given.

§ 117.109 Coosa River.

The draw of the Seaboard System Railroad bridge, mile 175.0 at Caden, shall open on signal if at least six hours notice is given.

§ 117.113 Tensaw River.

The draw of the Seaboard System Railroad bridge, mile 15.0 at Hurricane, shall open on signal; except that, from 5 p.m. to 9 a.m., the draw shall open on signal if at least eight hours notice is given. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

[CGD8-85-09, 50 FR 37356, Sept. 13, 1985]

§ 117.115 Three Mile Creek.

(a) The draw of the US43 bridge, mile 1.0 at Mobile, need not be opened from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m. daily. At all other times, the draw shall open on signal if at least 12 hours notice is given.

(b) The draw of the Southern Railway bridge, mile 1.1 at Mobile, shall open on signal if at least five days notice is given.

ARKANSAS

§ 117.121 Arkansas River

The draw of the Missouri Pacific Railroad bridge, mile 23.1 near Yanco-pin, shall open on signal if at least 96 hours notice is given.

§ 117.123 Arkansas and White River—Automated Railroad Bridges.

(a) Across the Arkansas River, the draws of the Cotton Belt railroad (Rob Roy) bridge, mile 67.4, the Chicago, Rock Island, and Pacific railroad bridge, mile 118.2, the Missouri Pacific railroad bridges, mile 118.7 (Junction) and mile 119.6 (Baring Cross), all at Little Rock, are maintained in the closed position and are remotely operated.

ated. The following signals shall be used:

(1) The opening signal from the vessel for each of these bridges is three short blasts.

(2) The acknowledging signal is flashing white lights visible upstream and downstream. When the operator of the vessel sights the acknowledging signal, one prolonged blast shall be sounded.

(3) This signal is acknowledged by the bridge controller when the draw is to open by changing the flashing white lights to continuous white lights, and sounding one blast on a horn. When the span is fully raised to a maximum clearance of 52 feet, the navigation lights at mid channel change from red to green, indicating that the draw is ready for passage.

(4) If the draw cannot open, flashing amber warning lights are flashed and four blasts are sounded, indicating that a train is approaching or that maintenance work is in progress.

(5) The vessel shall acknowledge that there is a delay by sounding four short blasts.

(6) When the draw opens (after the train crosses or when maintenance work permits), the amber lights are turned off, the continuous white lights turned on, and one blast sounded, to indicate the draw is ready for passage.

(7) The vessel acknowledges with one blast and, after the draw is fully open, may proceed through the draw.

(8) When the vessel clears the draw, the mid channel navigation light changes from green to red, the amber warning lights will flash, and, after one minute, the draw lowers and locks.

(b) The draws of the Burlington Northern railroad bridge, mile 300.8 Arkansas River at Van Buren, and the Missouri Pacific railroad bridge, mile 7.5 White River at Benzal, are maintained in the open position with a minimum vertical clearance of 52 feet, except as follows:

(1) When a train approaches either bridge, amber lights attached to the bridge begin to flash and an audible signal on the bridge sounds. At the end of 10 minutes, the amber light continues to flash; however, the audible signal stops and the draw lowers and locks if the photoelectric boat de-

tection system detects no obstruction under the span. If there is an obstruction, the draw opens to its full height until obstruction is cleared.

(2) After the train clears the bridge, the draw opens to its full height, the amber flashing light stops, and the mid channel lights change from red to green, indicating the navigation channel is open for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

§ 117.125 Black River.

The following draws need not be opened for the passage of vessels:

(a) Missouri Pacific railroad bridge, mile 3.4 at Paroquet.

(b) Burlington Northern railroad bridge, mile 68.4 at Black Rock.

(c) Arkansas State Highway Department bridge, mile 90.1 at Pocahontas.

(d) Burlington Northern railroad bridge, mile 90.4 at Pocahontas.

(e) Missouri Pacific railroad bridge, mile 144.4 at Corning.

(f) Arkansas State Highway Department bridge, mile 152.2 at Corning.

§ 117.127 Current River.

The draws of the Arkansas highway bridge, mile 10.2, and the Burlington Northern railroad bridge, mile 12.2, both at Biggers, need not be opened for the passage of vessels.

§ 117.129 Little Red River.

The draws of the Burlington Northern railroad bridge, mile 25.0, and Arkansas highway bridge, mile 25.2, both at Judsonia, and the Arkansas highway bridge, mile 30.5 at Searcy, need not be opened for the passage of vessels.

§ 117.131 Little River.

The draws of the Burlington Northern railroad bridge, mile 7.1 near Fulton, need not be opened for the passage of vessels.

§ 117.133 Ouachita River.

(a) The draw of the Chicago, Rock Island and Pacific Railroad Bridge, Mile 291.7 at Calion, shall open on signal if at least 24 hours notice is given, except as follows:

§ 117.135

(1) Any vessel that requires the opening of the draw and that intends to return within 24 hours shall inform the drawtender of the probable time of return. The draw shall open for the returning vessel without further notice.

(2) When the pool stage is above 21 feet on the upper gauge at Lock and Dam No. 8, the Commander, Second Coast Guard District, notifies the bridge owner, who is then given one day in which to place a drawtender in constant attendance and open the draw on signal.

(b) The draw of the St. Louis Southwestern Railroad Bridge, Mile 338.8 near Camden, need not be open for the passage of vessels.

[CGD 89-03, 55 FR 12820, Apr. 6, 1990]

§ 117.135 Red River.

(a) The draws of the bridges from mile 63.0 through mile 283.1 shall open on signal if at least 48 hours notice is given. The draws of any of these bridges need not be opened for a vessel that arrives later than two hours after the time specified in the notice, unless a second notice of at least 48 hours is given.

(b) The draws of the bridges above mile 283.1 need not be opened for the passage of vessels.

§ 117.137 St. Francis River.

The draws of the Chicago, Rock Island and Pacific railroad bridge, mile 59.7 at Madison, and all drawbridges above that point, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD02 86-33, 51 FR 32318, Sept. 11, 1986]

§ 117.139 White River.

(a) Requirements for the Missouri Pacific railroad bridge, mile 7.5 at Benzal, are in § 117.123.

(b) The draws of the St. Louis Southwestern railroad bridge, mile 98.9 at Clarendon, the US70 highway bridge, mile 121.7 at DeValls Bluff, the Chicago, Rock Island and Pacific Railroad bridge, mile 122.0 at DeValls Bluff, the Missouri Pacific railroad bridge, mile 196.3 at Augusta, and the Missouri Pacific railroad bridge, mile

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254.8 at Newport, shall open on signal if at least eight hours notice is given. The draws of any of these bridges need not be opened for a vessel that arrives later than two hours after the time specified in the notice, unless a second notice of at least eight hours is given.

(c) The draws of the Arkansas highway bridge, mile 300.1 at Batesville, and the Missouri Pacific railroad bridge, mile 401.9 at Cotter, need not be opened for the passage of vessels.

CALIFORNIA

§ 117.140 General.

In California, when fog prevails by day or night, the drawtender, after sounding the opening signal, shall toll a bell continuously during the approach and passage of a vessel.

§ 117.141 American River.

The draw of the Jibboom Street bridge, mile 0.1 at Sacramento, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 51 FR 37381, Sept. 24, 1986]

§ 117.143 Bishop Cut.

The draw of the San Joaquin County highway bridge, mile 1.0 between King Island and Bishop Tract, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

§ 117.145 Burns Cutoff.

The draw of the Daggett Road bridge, mile 3.0 at Stockton, shall open on signal if at least 48 hours notice is given to the U.S. Naval Communications Station at Stockton.

§ 117.147 Cerritos Channel.

(a) The draw of the Commodore Schuyler F. Heim highway bridge, mile 4.5 at Long Beach, shall open on signal; except that, from 6:30 a.m. to 3:30 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels. The opening signal for the Commodore Schuyler Heim bridge is three prolonged blasts

The acknowledging signal is two prolonged blasts followed by one short blast when the draw will open immediately and five short blasts when the draw will not open immediately. Channel 13 (156.65 MHz) or other assigned frequencies may be used.

(b) The draw of the Henry Ford Avenue railroad bridge, mile 4.4 at Long Beach, shall be maintained in the fully open position, except when a train is crossing or for maintenance. If the draw is in the closed position, the opening signal is two short blasts followed by one prolonged blast. The acknowledging signal is two prolonged blasts followed by one short blast when the draw will open immediately and five short blasts when the draw will not open immediately. Channel 13 (156.65 MHz) or other assigned frequencies may be used.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37361, Sept. 24, 1984]

§ 117.149 China Basin, Mission Creek.

The draws of the 3rd Street bridge, mile 0.0, and the 4th Street bridge, mile 0.2, both at San Francisco, shall open on signal if at least one hour notice is given.

§ 117.150 Connection Slough.

The draw of the Reclamation District No. 2027 bridge between Mandeville and Bacon Islands, mile 2.5 near Stockton, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m., and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least four hours notice is given to the drawtender during regular operating hours, or to the Rio Vista bridge across the Sacramento River, mile 12.8. The draw shall open on signal if at least one hour notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

[CGD 12-84-02, 49 FR 25446, June 21, 1984; 49 FR 43458, Oct. 29, 1984]

§ 117.151 Cordelia Slough (a tributary of Suisun Bay).

The draws of the Southern Pacific railroad bridge, mile 1.5 at Suisun, shall open on signal if at least 24 hours notice is given.

§ 117.153 Corte Madera Creek.

The draw of the Northwestern Pacific railroad bridge, mile 0.5 near Greenbrae, shall be maintained in the fully open position, except for the crossing of trains or for maintenance.

§ 117.155 Eureka Slough.

The draws of the Northwestern Pacific railroad bridge, mile 0.3 at Eureka, shall open on signal if at least 24 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 12-85-02, 50 FR 20758, May 20, 1985]

§ 117.157 Georgiana Slough.

The draws of the Sacramento County highway bridges, mile 4.5 near Isleton, and mile 12.4 near Walnut Grove, shall open on signal from 6 a.m. to 10 p.m. from May 1 through October 31. The draws shall open on signal from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draws of these bridges shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

§ 117.159 Grant Line Canal.

The draw of the San Joaquin County highway bridge, mile 5.5 at Tracy, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

§ 117.161 Honker Cut.

The draw of the San Joaquin County (Eightmile Road) bridge, mile 0.3 between Empire Tract and King Island at Stockton, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

§ 117.163 Isla Creek (Channel).

The draw of the 3rd Street bridge, mile 0.4 at San Francisco, shall open on signal if at least one hour notice is given.

§ 117.165 Lindsey Slough.

The center span of the Hastings Farms highway bridge, mile 2.0 between Egbert and Lower Hastings Tracts, shall be removed for the passage of maintenance vessels if at least 72 hours notice is given to the Hastings Island Land Company office at Rio Vista.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 12-85-05, 50 FR 31176, Aug. 1, 1985]

§ 117.167 Little Potato Slough.

The draw of the California Department of Transportation highway bridge, mile 0.1 at Terminous, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. At all other times, the draw shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

§ 117.169 Mare Island Strait, Napa River, and their tributaries.

(a) The draw of the U.S. Navy bridge (Mare Island Causeway), mile 2.8, at Vallejo—

(1) Must be opened on signal from 7:30 a.m. to 3:45 p.m. and 4:45 p.m. to 10 p.m. Monday through Friday except Federal holidays, and from 6:30 a.m. to 10 p.m. on Saturdays, Sundays, and holidays;

(2) Need not be opened for the passage of vessels, other than public vessels of the United States, from 6:30 a.m. to 7:30 a.m. and 3:45 p.m. to 4:45 p.m., except Saturdays, Sundays, and Federal holidays; and

(3) Must be opened on signal from 10 p.m. to 6:30 a.m. daily, if at least two hours notice is given, and as soon as possible during this period for public vessels of the United States.

(b) The draw of the Southern Pacific railroad bridge, mile 10.6 at Brazos, shall be maintained in the fully open position, except for the crossing of trains or for maintenance. When the

draw is closed and visibility at the drawtender's station is less than one mile, up or down the channel, the drawtender shall sound two prolonged blasts every minute. When the draw is opened, the drawtender shall sound three short blasts.

(c) The draw of the Maxwell highway bridge, mile 17.6 near Imola, shall open on signal if at least 72 hours notice is given to the California Department of Transportation office at Napa.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 12-85-02, 50 FR 20750, May 20, 1985]

§ 117.171 Middle River.

(a) The draw of the San Joaquin County (Bacon Island Road) highway bridge, mile 8.6 between Bacon Island and Lower Jones Tract, shall open on signal from May 15 through September 15 from 9 a.m. to 5 p.m. From September 16 through May 14, the draw shall open on signal from 9 a.m. to 5 p.m. from Thursday through Monday. At all other times, the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(b) The draw of the Atchafalaya Topeka and Santa Fe railroad bridge, mile 9.8 near Middle River Station, shall open on signal if at least 12 hours notice is given to the Atchafalaya Topeka and Santa Fe Railway yardmaster at Stockton.

(c) The California Route 4 Bridge, mile 15.1, between Victoria Island and Drexler Tract need not open for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 50 FR 37321, Sept. 24, 1985, as amended by CGD 12-85-01, 50 FR 26550, June 27, 1985]

§ 117.173 Miner Slough.

The draw of the California Department of Transportation highway bridge, mile 5.5 between the northern end of Ryer Island and Holland Tract, shall open on signal if at least 12 hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

§ 117.175 Mokelumne River.

(a) The draw of the California Department of Transportation highway bridge, mile 3.0 at East Isleton, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8. Emergency vessels of the United States, state or commercial vessels engaged in rescue or emergency salvage operations, and vessels in distress shall be passed as soon as possible but no later than one hour after notice is given.

(b) The draw of the Sacramento and San Joaquin Counties (Millers Ferry) highway bridge, mile 12.1 over the North Fork of the Mokelumne River near Walnut Grove, shall open on signal from May 1 through October 31 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(c) The removable span of the San Joaquin County highway bridge over the South Fork of the Mokelumne River, mile 18.0 at New Hope Landing, shall be removed as soon as possible upon notification by the District Commander that an emergency exists which requires the removal.

(d) The draws of the bridges above New Hope Landing need not be opened for the passage of vessels.

§ 117.177 Mud Slough.

The draw of the Southern Pacific railroad bridge, mile 0.7 near Alviso, shall open on signal if at least 24 hours notice is given.

§ 117.179 Newark Slough.

The draw of the Southern Pacific railroad bridge, mile 0.5 near Newark, shall open on signal if at least 24 hours notice is given to the Superintendent, Southern Pacific Transportation Company, at Oakland.

§ 117.181 Oakland Inner Harbor Tidal Canal.

The draws of the Alameda County highway bridges at Park Street, mile 7.3; Fruitvale Avenue, mile 7.7; and High Street, mile 8.1; and the U.S. Army Corps of Engineers railroad bridge, mile 7.7 at Fruitvale Avenue, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m. Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels. However, the draws shall open during the above closed periods for vessels which must, for reasons of safety, move on a tide or slack water, if a least two hours notice is given. The draws shall open as soon as possible for vessels in distress and emergency vessels, including commercial vessels engaged in rescue or emergency salvage operations.

§ 117.183 Old River.

The draw of the California Department of Transportation (Route 4) highway bridge, mile 14.8 between Victoria Island and Byron Tract, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

§ 117.185 Pacheco Creek.

The draw of the Contra Costa County highway bridge, mile 1.0, and Southern Pacific Railroad bridge, mile 1.1, both near Martinez, shall open on signal if at least 24 hours notice is given.

(CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 12-85-02, 50 FR 20758, May 20, 1985)

§ 117.187 Petaluma River.

(a) The draws of the Northwestern Pacific railroad bridges, mile 0.8 at Blackpoint and mile 12.4 at Haystack Landing, shall be maintained in the fully open position, except for the crossing of trains or for maintenance. When the draw is closed and visibility

from the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two long blasts every minute. When the draw is reopened, the drawtender shall sound three short blasts.

(b) The draw of the Petaluma highway bridge at "D" Street, mile 13.7 at Petaluma, shall open on signal if at least four hours notice is given for openings from 6 a.m. to 6 p.m., and if at least 24 hours notice is given for openings from 6 p.m. to 6 a.m. The draw shall open as soon as possible for vessels in distress and vessels, including commercial vessels, engaged in rescue or emergency salvage operations.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 11-88-10, 53 FR 51099, Dec. 20, 1988]

§ 117.189 Sacramento River.

(a) The draws of each bridge from Isleton to American River junction shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draws shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

(b) The draws of the California Department of Transportation bridges, mile 90.1 at Knights Landing, and mile 135.5 at Meridian, shall open on signal if at least 12 hours notice is given to the California Department of Transportation at Marysville.

(c) The draws of the bridges above Meridian need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 12-86-01, 51 FR 20483, June 5, 1986]

§ 117.191 San Joaquin River.

(a) The draw of the Port of Stockton railroad bridge, mile 39.7 at Stockton, shall open on signal if at least 12 hours notice is given to the Port Director.

(b) The draws of the U.S. Navy Draw-bridge, mile 39.8, Atchison, Topeka and Santa Fe railroad bridge, mile 40.6, and California Highway 4 bridge (Garwood Bridge), mile 41.6,

need not be opened for the passage of vessels. The owners or agencies controlling the bridges shall restore the draws to full operation within six months of notification to take such action from the District Commander.

(c) Drawbridges above the Old River junction need not open for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 12-85-06, 50 FR 31177, Aug. 1, 1985; CGD 88-062, 53 FR 25120, July 1, 1988]

§ 117.193 San Leandro Bay.

The draw of the California Department of Transportation highway bridge, mile 0.0 between Alameda and Bay Farm Island, shall open on signal except that, from 5 a.m. to 8 a.m. and 5 p.m. to 9 p.m., the draw shall open on signal if at least 12 hours notice is given. Notice shall be given to the drawtender of the Bay Farm Island bridge from 8 a.m. to 5 p.m. and to the drawtender of the Park Street bridge at Alameda at all other times. The draw need not be opened for the passage of vessels from 9 p.m. to 5 a.m.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 50 FR 37381, Sept. 24, 1984]

§ 117.195 Snodgrass Slough.

The draw of the Sacramento County bridge, mile 4.4 at Walnut Grove, shall open on signal if at least 24 hours notice is given to the Sacramento County Highway Office at Sacramento.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 12-85-02, 50 FR 2879, May 20, 1985]

§ 117.197 Sonoma Creek.

The draw of the Northwestern Pacific railroad bridge, mile 5.4 at Wings, shall open on signal if at least 7 hours notice is given.

§ 117.199 Steamboat Slough.

The draw of the California Department of Transportation highway bridge, mile 11.2 at the head of Grand Island, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. At all other times, the draw shall open on signal if at least four hours

notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

§ 117.201 Sutter Slough.

The draw of the Sacramento County highway bridge, mile 6.4 near Courtland, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

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§ 117.202 Cold Spring Brook.

The draw of the footbridge, mile 0.1 at Saybrook, shall open within 15 minutes of a mariner's request by telephone. To enable mariners to request bridge openings, the owner shall maintain and monitor a telephone at the bridge and provide a means for mariners to secure their boats upstream and downstream of the bridge in order to use this telephone.

[CGD 86-33, 52 FR 5636, Feb. 25, 1987]

§ 117.205 Connecticut River.

(a) The draws of the Amtrak Old Saybrook—Old Lyme Bridge, mile 3.4, and the Conrail Middletown Bridge, mile 32.0, shall open on signal:

(1) For commercial vessels except as described below:

(i) Amtrak Bridge, mile 3.4, when a westbound train scheduled to cross the bridge without stopping has passed Old Lyme and Blackhall Station, or an eastbound train has passed Saybrook Junction Station, and is in motion toward the bridge, the draw shall be opened as soon as the train has crossed the bridge.

(ii) Conrail Middletown Bridge, mile 32.0, when a westbound train scheduled to cross the bridge without stopping has passed Portland Station, or an eastbound train has passed Middletown Station, and is in motion toward the bridge, the draw shall be opened as soon as the train has crossed the bridge.

(2) For all other vessels which cannot pass the closed bridges the draw shall be opened as soon as practicable, but in no case shall the delay

be more than 20 minutes from the time of request.

(b) All openings of the draws shall afford full horizontal and vertical clearance, regardless of the size or requirements of the passing vessel.

[CGD 85-42, 50 FR 26711, June 28, 1985]

§ 117.207 Housatonic River.

(a) The draw of the US 1 bridge, mile 3.5 at Stratford, shall open on signal; except that, from 7 a.m. to 9 a.m. Monday through Friday and 4 p.m. to 5:45 p.m. daily, the draw need not be opened for the passage of vessels.

(b) The draw of the Metro-North (Devon) bridge, mile 3.9 at Stratford, shall operate as follows:

(1) The draw shall open on signal; except as follows:

(i) From 7 a.m. to 9 a.m. and from 4 p.m. to 5:45 p.m. Monday through Friday except Federal holidays or an emergency, the draw need not be opened for the passage of vessels.

(ii) From 5:30 a.m. to 7 a.m. and from 5:45 p.m. to 8:15 p.m. except Saturdays, Sundays, and Federal holidays, the draw need not be opened more than once in any 60 minute period.

(iii) From 9 p.m. to 5 a.m., the draw shall open on signal if notice is given to the chief dispatcher of the railroad before 4 p.m. on the day of the intended passage.

(2) A delay in opening the draw shall not exceed 20 minutes for the passage of approaching trains from the time of the request.

[CGD 82-025, 49 FR 43458, Oct. 29, 1984, as amended by CGD 85-42, 50 FR 26711, June 28, 1985]

§ 117.209 Mianus River.

The draw of the Metro-North bridge, mile 1.0 at Greenwich, shall operate as follows:

(a) From 5 a.m. to 9 p.m.—

(1) The draw shall open on signal immediately for the passage of commercial vessels and as soon as practicable but no later than 20 minutes after the signal to open for the passage of all other vessels.

(2) When a train scheduled to cross the bridge without stopping has

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passed the Greenwich or Riverside stations and is in motion toward the bridge, the draw shall open as soon as the train has crossed the bridge.

(b) From 9 p.m. to 5 a.m., the draw need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 43458, Oct. 29, 1984]

§ 117.211 Mystic River.

(a) The draw of the Amtrak railroad bridge, mile 2.4 at Mystic, shall operate as follows:

(1) From April 1 to October 31, the draw shall open on signal.

(2) From November 1 to March 31, the draw shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least eight hours notice is given.

(3) Public vessels of the United States, state and local vessels used for public safety, vessels in an emergency, and commercial vessels shall be passed immediately at any time; however, the opening may be delayed up to eight minutes to allow trains, which have entered the drawbridge block and are scheduled to cross the bridge without stopping, to clear the block.

(4) All other vessels shall be passed as soon as practicable but no later than 20 minutes after the signal to open is given.

(b) The draw of the US 1 bridge, mile 2.8 at Mystic, shall open on signal, with a maximum delay of 20 minutes; except:

(1) From May 1 through October 31 from 7:15 a.m. to 7:15 p.m., the draw need only open hourly at quarter past the hour.

(2) From November 1 through April 30 from 7:15 p.m. to 5:15 a.m., the draw shall open on signal upon eight hours notice.

[CGD 82-025, 49 FR 43458, Oct. 29, 1984, as amended by CGD 84-31, 50 FR 28710, June 28, 1985]

§ 117.213 New Haven Harbor, Quinnipiac and Mill Rivers.

The draws of the Tomlinson bridge, mile 0.0, the Ferry Street bridge, mile 0.7, and the Grand Avenue bridge, mile 1.3, across Quinnipiac River, and the Chapel Street bridge, mile 0.4

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across Mill River, shall operate as follows:

(a) The draws shall open on signal except as follows:

(1) From 7:30 a.m. to 8:30 a.m., noon to 12:15 p.m., 12:45 p.m. to 1 p.m., and 4:45 p.m. to 5:45 p.m., the draws need not be opened.

(2) From 9 p.m. to 5 a.m. from October 1 through April 30, the draw of the Ferry Street bridge, Quinnipiac River, shall open on signal, unless the drawtender is at the Grand Avenue or Chapel Street bridges. In this event, a delay of up to one hour may be expected.

(3) From 11 p.m. to 7 a.m., the draw of the Grand Avenue bridge, Quinnipiac River, shall open on signal if at least one hour notice is given to the drawtender at the Ferry Street bridge. In the event that the drawtender is at the Chapel Street bridge, a delay of up to an additional hour may be expected.

(4) From 9 p.m. to 5 a.m., the draw of the Chapel Street bridge, Mill River, shall open on signal if at least one hour notice is given to the drawtender at Ferry Street bridge. In the event that the drawtender is at the Grand Avenue bridge, a delay of up to an additional hour may be expected.

(b) Public vessels of the United States, state or local vessels used for public safety, commercial vessels and vessels in distress, shall notify the operator of the Tomlinson and the Ferry Street bridges and shall be passed through each of the bridges listed in this section as soon as possible at any time.

(c) The sound signals for requesting the opening of each bridge are as follows:

(1) The Tomlinson bridge, two short blasts of a whistle or horn.

(2) The Ferry Street bridge, one short blast of a whistle or horn.

(3) The Grand Avenue bridge, one prolonged blast of a whistle or horn.

(4) The Chapel Street bridge, three short blasts of a whistle or horn.

(d) The drawtender shall acknowledge sound signals in the following manner:

(1) When the draw can be opened immediately, the same signal as the requesting signal.

(2) When the draw cannot be opened immediately, or is open and must close, the drawtender shall sound four short blasts of a whistle or horn, to be repeated until acknowledged by the vessel by the same signal.

(3) When the draw can be reopened, the drawtender shall sound the opening signal and open the draw if any vessels are waiting to pass.

(e) The following visual signal may be used in addition to sound signals for requesting the opening of each bridge when sound signals may not be heard. A white flag by day or a white light by night shall be swung in full circle at arm's length in full sight of the bridge and facing the draw.

(f) The drawtender shall acknowledge visual signals in the following manner:

(1) When the draw can be opened immediately, a white flag by day or a green light by night swung up and down vertically a number of times in full sight of the vessel.

(2) When the draw cannot be opened immediately, or is open and must close, a red flag by day or a red light by night, swung back and forth horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel by the same signal.

[CGD 82-025, 49 FR 43459, Oct. 29, 1984, as amended by CGD3 85-42, 50 FR 26711, June 28, 1985]

§ 117.215 Niantic River.

(a) The draw of the Amtrak bridge, mile 0.0 at Niantic, shall open on signal; except that, from April 1 through October 31 from 8 p.m. to 4 a.m. and from November 1 through March 31 from 6 p.m. to 6 a.m., the draw shall open on signal if at least one hour notice is given. When a train scheduled to cross the bridge without stopping has entered the drawbridge block, a delay in opening the draw may occur until the train has cleared the block.

(b) The draw of the S156 bridge, mile 0.1 at Niantic, shall open on signal; except that, from 7 a.m. to 8 a.m., and from 4 p.m. to 5 p.m. Monday through Friday except holidays, the draw shall open only for the passage of commercial vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

§ 117.217 Norwalk River.

(a) The draw of the Washington Street S136 bridge, mile 0.0 at Norwalk, shall open on signal; except that, from 7 a.m. to 8:45 a.m., 11:45 a.m. to 1:15 p.m., and 4 p.m. to 6 p.m. Monday through Friday except holidays, the draw need not be opened for the passage of vessels that draw less than 14 feet of water. The opening signal is three short blasts. Vessels drawing 14 feet of water or more shall add one prolonged blast after the three short blasts.

(b) The draw of the Metro-North "WALK" bridge, mile 0.1 at Norwalk, shall open on signal as follows:

(1) From 5 a.m. to 9 p.m., except that, from Monday through Friday excluding holidays, the draw need not be opened from 7 a.m. to 8:45 a.m. and 4 p.m. to 6 p.m., unless an emergency exists.

(2) Only once in any 60-minute period from 5:45 a.m. to 7 a.m. and 6 p.m. to 7:45 p.m.

(3) From 9 p.m. to 5 a.m., if at least four hours notice is given.

(4) A delay of up to 20 minutes may be expected if a train is approaching so closely that it may not be safely stopped.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD3 85-42, 50 FR 26711, June 28, 1985]

§ 117.219 Pequonnock River.

(a) Public vessels of the United States and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(b) The draw of the Stratford Avenue Bridge, mile 0.1 at Bridgeport, shall open on signal; except that, the draw need not open for passage of vessels from 6:45 a.m. to 7:15 a.m. and 7:45 a.m. to 8:15 a.m., 11:45 a.m. to 1:15 p.m. and 4:30 p.m. to 6:10 p.m. The opening signal is one prolonged blast followed by one short blast.

(c) The draw of the Metro-North "PECK" bridge, mile 0.3 at Bridgeport, shall open on the signal of three blasts as follows:

(1) From 5:45 a.m. to 9 p.m. except:

(i) From Monday through Friday, excluding holidays or emergencies, the draw need not be opened from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., and 4:30 p.m. to 6:10 p.m.

(ii) From Monday through Friday, excluding holidays or emergencies, the draws need not be opened more than once during the periods 5:45 a.m. to 6:45 a.m., 7:15 a.m. to 7:45 a.m., 8:15 a.m. to 9 a.m., and 6:10 p.m. to 8:15 p.m.

(2) From 9 p.m. to 5:45 a.m., the draws shall open on signal if at least eight hours notice is given.

(3) The draw need not open on signal if a train is approaching so closely that it may not be safely stopped; however, the delay in opening the draw shall not exceed 7 minutes from time of the request.

(d) The draw of the Congress Street Bridge, mile 0.4 at Bridgeport, shall open on signal as follows:

(1) From 8 a.m. to 9 p.m.; except that the draw need not open for the passage of other than commercial vessels from 11:45 a.m. to 1:15 p.m. and for all vessels from 4:30 p.m. to 6:10 p.m.

(2) From 9 p.m. to 8 a.m., if at least eight hours notice is given; except that the draw need not open for the passage of vessels from 6:45 a.m. to 7:15 a.m.; and from 7:45 a.m. to 8 a.m.

(3) The opening signal is two prolonged blasts followed by two short blasts.

(e) The draw of the East Washington Street bridge mile 0.6, shall open on the signal of one prolonged blast followed by two short blasts if at least 24 hours notice is given.

(f) The draw of the Grand Street bridge mile 0.9 at Bridgeport need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within 12 months after notification by the District Commander to do so.

[CGD 85-42, 50 FR 26711, June 28, 1985; 50 FR 43387, Oct. 25, 1985]

§ 117.221 Saugatuck River.

(a) The draw of each moveable bridge shall open at all times as soon as possible for passage of a public vessel of the United States, vessel in tow or for a vessel in distress.

(b) The draw of the Metro-North "SAGA" Bridge, mile 1.1 at Saugatuck shall operate as follows:

(1) Year-round need not open:

(i) Weekdays from 7 a.m. to 8:10 a.m. and 5:30 p.m. to 7 p.m. except on Federal holidays;

(ii) From 9 p.m. to 5 a.m.

(2) From October 1-May 31, open on signal:

(i) Weekdays from 8:10 a.m.-4 p.m.;

(ii) Weekends and Federal holidays from 8 a.m.-4 p.m.;

(iii) If at least eight hours notice is given, daily, from 5 a.m.-7 a.m., 4 p.m.-5:30 p.m. and 7 p.m.-9 p.m., and weekends and Federal holidays from 8:10 a.m.-7 p.m.

(3) From June 1-September 30, open on signal 5 a.m.-9 p.m., except as provided in paragraph (b)(1)(i) of this section.

(4) A delay in opening the draw not to exceed 10 minutes may occur when a train scheduled to cross the bridge without stopping has entered the drawbridge block.

(c) The draw of the Route 138 Bridge, mile 1.3 at Saugatuck shall operate as follows:

(1) Year-round, need not open weekdays, except Federal holidays, from 7 a.m. to 8:30 a.m. and 5:30 p.m. to 7:30 p.m.

(2) From April 15-October 31, open on signal if at least two hours notice is given, except as provided in paragraph (c)(1) of this section.

(3) From November 1-April 14, open on signal:

(i) From 8:30 a.m. to 3 p.m. if at least eight hours notice is given;

(ii) From 3 p.m. to 8:30 a.m., if at least 24 hours notice is given, except as provided in paragraph (c)(1) of this section.

[CGD 82-087, 50 FR 13319, Apr. 4, 1985]

§ 117.223 Shaw Cove.

The draw of the Amtrak bridge, mile 0.0 at New London, shall open on signal from December 1 through March 31 from 8 a.m. to 5 p.m. Monday through Friday. From December 1 through March 31 from 5 p.m. to 8 a.m. and on Saturdays and Sundays, the draw shall open on signal if at least eight hours notice is given. From

April 1 through November 30 from 5 a.m. to 10 p.m., the draw shall open on signal; and, from 10 p.m. to 5 a.m., the draw shall open on signal if at least one hour notice is given. A delay of up to 10 minutes may be expected if a train is approaching so closely that it may not be safely stopped. When a vessel is in an emergency that may endanger life or property, the draw shall open as soon as possible.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 43459, Oct. 29, 1984]

§ 117.224 Thames River.

The draw of the Amtrak bridge, mile 1.0 in New London, shall open—

(a) Immediately on signal for vessels owned or operated by the United States Government, state and local vessels used for public safety, vessels in an emergency, and commercial vessels except, when a train scheduled to cross the bridge without stopping has passed the Midway, Groton, or New London stations and is in motion toward the bridge, the draw shall not be opened for the passage of any vessel until the train has crossed the bridge; and

(b) As soon as practicable for all other vessels but no later than 20 minutes after the signal to open is given.

[CGD 82-025, 49 FR 43459, Oct. 29, 1984]

§ 117.225 Yellow Mill Channel.

The draw of the Stratford Avenue bridge, mile 0.3 at Bridgeport, shall open on signal if at least 24 hours notice is given. Public vessels of the United States and vessels in distress shall be passed as soon as possible.

DELAWARE

§ 117.231 Brandywine Creek.

The draw of the Conrail bridge, mile 1.1, the Church Street bridge, mile 1.3, and the Sixteenth Street bridge, mile 1.7, all at Wilmington, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 85-42, 50 FR 26712, June 21, 1985]

§ 117.233 Broad Creek.

The draws of the Conrail bridge, mile 8.0, the Poplar Street bridge, mile

8.2, and the US13A bridge, mile 8.2, all at Laurel, shall open on signal if at least four hours notice is given.

§ 117.235 Chesapeake and Delaware Canal.

The draw of the Conrail bridge, mile 7.7, shall open on signal. The following light signals, located in the center of the drawspan on both sides of the bridge, shall be used:

(a) When the draw is to be opened immediately, one fixed amber light.

(b) When the draw is not ready to be opened, one flashing red light.

§ 117.237 Christina River.

(a) The owners of the bridges on this waterway:

(1) Shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridges that they are plainly visible to the operator of each vessel approaching the bridge either up or downstream.

(2) Shall open on signal except that the draw of a railroad bridge need not be opened when a train is in the bridge block, approaching the bridge, or within 5 minutes of the passage of a passenger train, but in no event shall the opening of the draw be delayed more than 10 minutes.

(b) The draw of the Third Street Bridge, mile 2.3 and Walnut Street bridge, mile 2.8, both at Wilmington shall open on signal. The draw of the Market Street Bridge, mile 3.0 at Wilmington shall open on signal if at least eight hours notice is given. From 7 a.m. to 8 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday except holidays, the draws of these three bridges need not be opened for the passage of vessels. Any vessel which has passed through one or more of these bridges immediately prior to a closed period and which requires passage through the other bridge or bridges in order to continue to its destination shall be passed through the draw or draws of the bridge or bridges without delay. The draws of these bridges shall open at all times as soon

§ 117.239

as possible for passage of a public vessel of the United States.

(c) The draws of the Conrail bridges, at miles 4.1 and 4.2, both at Wilmington, shall open on signal from 6 a.m. to 8 p.m. if at least 24 hours notice is given. From 8 p.m. to 6 a.m., the draws need not be opened for the passage of vessels.

(d) The draw of the SH141 bridge, mile 7.5 at Wilmington, shall open on signal if at least 24 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD3 84-06, 49 FR 33448, Aug. 23, 1984, CGD3 85-42, 50 FR 26712, June 28, 1985; CGD 87-035, 52 FR 33812, Sept. 8, 1987]

§ 117.239 Lewes and Rehoboth Canal.

The draws of the Delaware highway bridges, mile 2.0 and 7.0, both at Rehoboth, shall open on signal from May 1 through October 31 from 7 a.m. to 8 p.m. and from 8 p.m. to 7 a.m. if at least two hours notice is given. From November 1 through April 30, the draws shall open on signal if at least 24 hours notice is given.

§ 117.241 Mispillion River.

The draws of the S14 bridge, mile 11.0 at Milford, shall open on signal if at least two hours notice is given.

§ 117.243 Nanticoke River.

The draw of the Conrail bridge, mile 39.4 at Seaford, shall open on signal from May 1 through September 30 from 8 a.m. to 8 p.m. and need not be opened from 8 p.m. to 8 a.m. At all times from October 1 through April 30, the draw shall open on signal if at least four hours notice is given.

§ 117.245 Smyrna River.

The draw of the Delaware highway bridge, mile 4.0 at Flemings Landing, shall open on signal if at least 24 hours notice is given.

§ 117.247 St. Jones River.

The draw of the Delaware highway bridge, mile 4.5 at Barkers Landing, shall open on signal if at least 24 hours notice is given.

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DISTRICT OF COLUMBIA

§ 117.253 Anacostia River.

(a) The draw of the Frederick Douglass Memorial (South Capitol Street) bridge, mile 1.2, shall open on signal if at least 24 hours notice is given. The draw is closed to the passage of vessels on each Presidential Inauguration Day and may occasionally be closed without advance notice to permit uninterrupted transit of dignitaries across the bridge.

(b) CONRAIL bridge, mile 3.4.

(1) The draw of the shall open on signal:

(i) At all times for public vessels of the United States, state and local government vessels, commercial vessels, and any vessels in an emergency involving danger to life or property.

(ii) On Saturdays, Sundays, and Federal Holidays from April 1 through September 30.

(iii) On weekdays, which are not Federal Holidays, between 7:00 a.m. and 11:00 p.m., from April 1 through September 30.

(iv) At all other times, if at least eight hours notice is given.

(2) The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of tide. The gages shall be placed on the bridge so that they are plainly visible to the operator of any vessel approaching the bridge from either upstream or downstream.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, 49 FR 37381, Sept. 24, 1984, as amended by CGD5-88-004, 53 FR 9627, Mar. 23, 1988]

§ 117.255 Potomac River.

(a) The draw of the Woodrow Wilson Memorial (I-95) bridge, mile 103.8, between Alexandria, Virginia, and Oxon Hill, Maryland—

(1) Shall open on signal at any time for a vessel in distress.

(2) Need not open:

(i) Except as provided in subparagraph (1) of this paragraph, for the passage of any vessel unless at least one hour advance notice is given.

(ii) For the passage of any vessel from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m., on Mondays through Fridays, other than Federal holidays.

(iii) For the passage of any vessel, other than a commercial vessel with a draft of over 20 feet, from 6:00 a.m. to 6:30 a.m., 9:00 a.m. to 10:00 a.m., 3:00 p.m. to 4:00 p.m., and 6:30 p.m. to 8:00 p.m., on Mondays through Fridays, other than Federal holidays.

(b) The draws of all other bridges need not be opened for the passage of vessels.

[CGD 83-025, 49 FR 43459, Oct. 29, 1984, as amended by CGD5-88-08, 53 FR 29037, Aug. 2, 1988]

FLORIDA

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

(a) General. Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed through the draw of each bridge listed in this section at any time.

(b) McCormick Bridge, mile 747.5 at Jacksonville Beach. The draw shall open on signal; except that during April, May, October and November from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday except Federal holidays, the draw need open only on the hour and half hour. During April, May, October and November from 12 noon to 6 p.m. Saturdays, Sundays and Federal holidays, the draw need open only on the hour and half hour.

(c) Vilano Beach (SR A1A), Mile 778 at Vilano Beach. The draw shall open on signal, except that from March 15 through December 15, from 7 a.m. to 6 p.m. Monday through Friday, except federal holidays, and from 9 a.m. to sunset on Saturdays, Sundays and federal holidays, the draw need open only on the hour, twenty minutes after the hour, and forty minutes after the hour.

(d) Bridge of Lions (SR A1A) bridge, mile 777.9 at St. Augustine. The draw shall open on signal; except that, from 7 a.m. to 6 p.m. the draw need open only on the hour and half-hour; how-

ever, the draw need not open at 8 a.m., 12 noon, and 5 p.m. Monday through Friday except Federal holidays. From 7 a.m. to 6 p.m. on Saturdays, Sundays and Federal holidays the draw need only open on the hour and half-hour.

(e) Seabreeze Boulevard bridge, mile 829.1 at Daytona Beach. The draw shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draw need open only at 8 a.m. and 5 p.m.

(f) Memorial bridge, mile 830.8 at Daytona Beach. The draw shall open on signal; except that, from 7:45 a.m. to 8:45 a.m. and 4:45 p.m. to 5:45 p.m. Monday through Saturday except Federal holidays, the draw need open only at 8:15 a.m. and 5:15 p.m.

(g) [Reserved]

(h) Coronado Beach bridge, mile 845 at New Smyrna Beach. The draw shall open on signal; except that, from 7 a.m. to 6 p.m. daily, the draw need open only on the hour, quarter-hour, half-hour and three quarter-hour.

(i) [Reserved]

(j) NASA railroad bridge, mile 876.6 near Jay Jay. The draw shall be operated as follows:

(1) The bridge is not constantly tended.

(2) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

(3) When a train approaches the bridge, the lights go to flashing red and a horn sounds four blasts, pauses, and then repeats four blasts. After an eight minute delay, the draw lowers and locks, providing the scanning equipment reveals nothing under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied.

(4) After the train has cleared, the draw opens and the lights return to flashing green.

(k) SR402 bridge, mile 878.9 at Titusville. The draw shall open on signal; except that, from 6:45 a.m. to 7:45 a.m. and 4:15 p.m. to 5:45 p.m. Monday through Friday, the draw need not open.

(l) John F. Kennedy Space Center bridge, mile 885 at Addison Point. The draw shall open on signal; except that,

from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5 p.m. Monday through Friday, except Federal holidays, the draw need not open.

(m) [Reserved]

(n) *Merrill Barber (SR60) bridge, mile 951.9 at Vero Beach.* The draw shall open on signal; except that, from 7:45 a.m. to 9 a.m., 12 noon to 1:15 p.m., and 4 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need open only at 8:30 a.m., 12:30 p.m. and 4:30 p.m. From December 1 through April 30, from 7 a.m. to 6 p.m., Monday through Friday except Federal holidays and as provided above, the draw need only open on the hour, quarter-hour, half-hour, and three-quarter hour.

(o) *Jensen Beach (SR 707a) bridge, mile 981.4 at Stuart.* The draw shall open on signal; except that from December 1 through May 1, from 7 a.m. to 6 p.m., Monday through Friday, except federal holidays, the draw need open only on the hour and half-hour.

(p) *Ernest Lyons (SR A1A) bridge, mile 984.9 at Stuart.* The draw shall open on signal; except that, from December 1 through May 1, from 7 a.m. to 6 p.m., Monday through Friday, except federal holidays, the draw need open only on the hour and half-hour.

(q) *Indiantown Road (SR706) bridge, mile 1006.2 at Jupiter.* The draw shall open on signal, except that, from November 1, through April 30, from 7 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(r) [Reserved]

(s) *PGA Boulevard bridge, mile 1012.6* The draw shall open on signal; except that from, 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday except Federal holidays, the draw need open only on the quarter-hour and three-quarter hour. On Saturdays, Sundays, and Federal holidays from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(t) *Parker (US1) bridge, mile 1013.7.* The draw shall open on signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m. Monday through Friday except Federal holidays, the draw

need open only on the hour and half-hour. On Saturdays, Sundays, and Federal holidays from 8 a.m. to 6 p.m. the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(u) *Flagler Memorial (SR A1A) bridge, mile 1021.9 at Palm Beach.* The draw shall open on signal; except that, from November 1 to May 31, Monday through Friday except Federal holidays, from 8 a.m. to 9:30 a.m. and from 4 p.m. to 5:45 p.m., the draw need open only at 8:30 a.m. and 4:45 p.m. From 9:30 a.m. to 4 p.m., the draw need open only on the hour and half-hour.

(v) *Royal Park (SR704) bridge, mile 1022.6 at Palm Beach.* The draw shall open on signal; except that, from November 1 through May 31, Monday through Friday except Federal holidays, from 8 a.m. to 9:30 a.m. and from 3:30 p.m. to 5:45 p.m., the draw need open only at 8:45 a.m., 4:15 p.m., and 5 p.m. From 9:30 a.m. to 3:30 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(w) *Southern Boulevard (SR700/70) bridge, mile 1024.7 at Palm Beach.* The draw shall open on signal; except that, from November 1 through May 31, Monday through Friday except Federal holidays, from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m., the draw need open only at 8:15 a.m. and 5:30 p.m.

(x) *Lantana Avenue bridge, mile 1031.0 at Lantana.* The draw shall open on signal; except that, from December 1, to April 30, on Saturdays, Sundays, and Federal holidays, from 10 a.m. to 6 p.m., the bridge need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(y) [Reserved]

(z) *N.E. 8th Street bridge, mile 1031.7 at Delray Beach.* The draw shall open on signal; except that, from November 1 to May 31, from 11 a.m. to 6 p.m., on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour, quarter-hour, half-hour, and three quarter-hour.

(aa) *Atlantic Avenue (SR806) bridge, mile 1039.6 at Delray Beach.* The draw shall open on signal; except that, from November 1 to May 31 from 10 a.m. to 6 p.m. Monday through Friday, the

draw need open only on the hour and half-hour.

(bb) Hillsboro Boulevard (SR 810) bridge, mile 1050.0 at Deerfield Beach.

The draw shall open on signal; except that, from October 1 through May 31, from 7 a.m. to 6 p.m., the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(cc) N.E. 14th Street bridge, mile 1055.0 at Pompano. The draw shall open on signal; except that, from 7 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(dd) Atlantic Boulevard (SR 814) bridge, mile 1056.0 at Pompano. The draw shall open on signal; except that, from 7 a.m. to 6 p.m., the draw need open only on the hour and half-hour.

(ee) Commercial Boulevard bridge, mile 1059.0 at Lauderdale-by-the-Sea. The draws shall open on signal; except that, from November 1 through May 15 from 8 a.m. to 6 p.m., the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(ff) Oakland Park Boulevard Bridge, mile 1060.5 at Fort Lauderdale. The draw shall open on signal; except that from November 15 through May 15 from 7 a.m. to 10 p.m., Monday through Friday, the draw need open only on the hour, 20 minutes past the hour, and 40 minutes past the hour, and from 10 a.m. to 10 p.m. on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(gg) Sunrise Boulevard (SR 838) bridge, mile 1062.6 at Fort Lauderdale. The draw shall open on signal; except that, from November 15 through May 15 and year-round through November 14, 1986 from 7:15 a.m. to 6:15 p.m., the draw need open only on the quarter-hour and three quarter hour.

(hh) Brooks Memorial (S.E. 17th Street) bridge, mile 1065.9 at Fort Lauderdale. The draw shall open on signal; except that, from 7 a.m. to 7 p.m., the draw need not be reopened for a period of 15 minutes after each closure. The owner or of agency controlling the bridge shall display on both sides of the bridge a time clock which is acceptable to the District Commander and which indicates to

approaching vessels the number of minutes remaining before the draw is available for opening.

(ii) [Reserved]

(jj) Hollywood Beach Boulevard (SR 820) bridge, mile 1072.2 at Hollywood. The draw shall open on signal; except that from November 15 through May 15 from 10 a.m. to 6 p.m., the draw need open only on the hour and half-hour. From May 16 through November 14 on Saturdays, Sundays, and Federal holidays, from 9 a.m. to 7 p.m., the draw need open only on the hour and half-hour.

(kk) Hallandale Beach Boulevard (SR 824) bridge, mile 1074.0 at Hallandale. The draw shall open on signal; except that, from 7:15 a.m. to 6:15 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(ll) N.E. 163rd Street (SR 826) bridge, mile 1078.0 at Sunny Isles. The draw shall open on signal; except that, from 7 a.m. to 6 p.m. on Monday through Friday except Federal holidays, and from 10 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays, the draw need open only on the quarter-hour and three-quarter hour.

(mm) Broad Causeway bridge, mile 1081.4 at Bay Harbor Islands. The draw shall open on signal; except that, from 8 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(nn) West Span of the Venetian Causeway, mile 1088.6 at Miami. The draw shall open on signal; except that, from November 1 through April 30, Monday through Friday except Federal holidays, from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., the draw need be opened only on the hour and half-hour.

(oo) MacArthur Causeway bridge, mile 1088.8 at Miami. The draw shall open on signal; except that, from November 1 through April 30 from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., the draw need open only on the hour and half-hour.

(pp) Dodge Island bridges, mile 1089.4 at Miami. The draws shall open on signal; except that from 7:15 a.m. to 5:45 p.m., Monday through Saturday except federal holidays and from 9:15 a.m. to 2:15 p.m. on Sundays, the draw need open only on the quarter-

hour and three-quarter hour. From 9:20 a.m. to 11:10 a.m. and from 12:20 p.m. to 2:10 p.m. on Saturdays, the draws need not open.

(qq) *Jewfish Creek, mile 1134, Key Largo.* The draw shall open on signal, except that on Fridays from 3 p.m. to sunset, and Saturdays and Sundays from 10 a.m. to sunset, the draw need open only on the hour, twenty minutes after the hour and forty minutes after the hour. When a Federal holiday occurs on a Friday, the draw need open only on the hour, twenty minutes after the hour, and forty minutes after the hour from 12 noon to sunset on the Thursday before the holiday, and from 10 a.m. to sunset on Friday (holiday), Saturday, and Sunday. When a Federal holiday falls on a Monday, the draw need open only on the hour, twenty minutes after the hour, and forty minutes after the hour from 12 noon to sunset on the Friday before the holiday, and from 10 a.m. to sunset on Saturday, Sunday, and Monday (holiday).

[CGD7-84-29, 50 FR 51248, Dec. 16, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations to § 117.261, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 117.263 *Banana River.*

(a) The draw of the Mathers (SR A-1-A) Bridge, mile 0.5 at Indian Harbor Beach, shall open on signal; except that, from 10 p.m. to 6 a.m. Monday through Friday except Federal holidays, the draw shall open on signal if at least two hours notice is given.

(b) The draw of the NASA Causeway bridge, mile 27.6 at Cape Canaveral, shall open on signal if at least four hours notice is given to the NASA Security Office by telephone or in person.

[CGD 82-025, 49 FR 26721, June 29, 1984]

§ 117.265 *Bayou Chico.*

The draw of the highway bridge, mile 0.3 at Pensacola, shall open on signal at any time for the passage of commercial vessels. The draw shall open at any time for the passage of pleasure vessels; except that, from 6 a.m. to 8 a.m., 11 a.m. to 1 p.m., and 3 p.m. to 6 p.m. Monday through Friday

except holidays, the draw need be opened only on the hour and half hour or when five or more pleasure vessels are waiting to pass or in emergency or severe storms. When the draw is open for commercial vessels during these restricted periods, accumulated pleasure vessels shall be passed.

§ 117.267 *Big Carlos Pass.*

The draw of the SR865 bridge, mile 0.0 between Estero Island and Black Island, shall open on signal; except that, the draw need not be opened from 7 p.m. to 8 a.m.

§ 117.269 *Biscayne Bay.*

The draw of the East Span of the Venetian Causeway bridge, between Miami and Miami Beach, shall open on signal; except that, from November 1 through April 30 from 7:15 a.m. to 8:45 a.m. and 4:45 p.m. to 6:15 p.m. Monday through Friday, the draw need not be opened. However, the draws shall open at 7:45 a.m., 8:15 a.m., 5:15 p.m., and 5:45 p.m. if any vessels are waiting to pass. The draw shall open on signal on Thanksgiving Day, Christmas Day, New Year's Day, and Washington's Birthday. The draw shall open at any time for public vessels of the United States, tug boats, regularly scheduled cruise vessels, and vessels in distress.

§ 117.271 *Blackwater River.*

(a) The draw of the Seaboard System Railroad bridge, mile 2.8 at Milton, shall open on signal; except that, from 8 p.m. to 4 a.m., the draw shall open on signal if at least eight hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, amended by CGD8-86-06, 51 FR 29101, Aug. 14, 1986]

§ 117.273 *Canaveral Barge Canal.*

(a) The draw of the SR3 bridge, mile 1.0 near Indianola, shall open on signal from 6 a.m. to 10 p.m.; except that, from 6:45 a.m. to 7:45 a.m. and 4:15 p.m. to 5:45 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels. From 10 p.m. to 6 a.m. the draw shall open on signal if

least three hours notice is given. The draw shall open as soon as possible for the passage of public vessels of the United States, tugs with tows, and vessels in distress.

(b) The draw of the SR401 bridge, mile 5.5 at Port Canaveral, shall open on signal; except that, from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels. From 10 p.m. to 6 a.m., the draws shall open on signal if at least three hours notice is given. The draw shall open as soon as possible for the passage of public vessels of the United States, tugs with tows, and vessels in distress.

CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 27381, Sept. 24, 1984]

§ 117.273 Choctawhatchee River.

The draw of the SR20 bridge, mile 20.0 at Ebro, shall open on signal if at least 12 hours notice is given.

§ 117.277 Clearwater Pass.

(a) The draw of the SR 699 bridge shall open on signal except as provided below.

(b) From 11 a.m. to 6 p.m. on Saturdays, Sundays, and federal holidays the draw need open only on the hour, quarter hour, half hour, and three quarter hour. Public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time.

(c) Notwithstanding the provisions of paragraph (b), the draw shall open on signal whenever a National Weather Service small craft advisory or warning for winds of greater force is in effect.

(d) From 11 p.m. to 7 a.m. a delay of up to 10 minutes may be expected unless the drawtender has been contacted by telephone or radiotelephone.

CGD7-84-18, 50 FR 29671, July 22, 1985, as amended by CGD7-88-36, 54 FR 10542, Mar. 4, 1989]

§ 117.279 Coffeepot Bayou.

The draw of the Snell Isle Boulevard bridge, mile 0.4 at St. Petersburg, need not be opened for the passage of vessels.

§ 117.283 Dunns Creek.

The draw of the US17 bridge, mile 0.9 near Satsuma, shall open on signal if at least three hours notice is given.

§ 117.285 Great Canal

The draw of the Tortoise Island bridge, mile 2.6, shall open on signal; except that during the evening hours from 10 p.m. to 6 a.m. from Sunday evening until Friday morning, except on evenings preceding a Federal holiday, the draw shall open on signal if at least 15 minutes notice is given.

[CGD7-88-08, 53 FR 37261, Aug. 11, 1988]

§ 117.287 Gulf Intracoastal Waterway.

(a) Public vessels of the United States, tugs with tows, and vessels in distress shall be passed through the draw of each bridge listed in this section at any time.

(a-1) The draw of the Venice Avenue bridge, mile 56.6 at Venice, shall open on signal, except that from 7 a.m. to 4:30 p.m., Monday through Friday except Federal holidays, the draw need open only at 10 minutes after the hour, 30 minutes after the hour and 50 minutes after the hour and except between 4:35 p.m. and 5:35 p.m. when the draw need not open.

(b) The draw of the Hatchett Creek (US-41) bridge, mile 56.9 at Venice, shall open on signal, except that, from 7 a.m. to 4:20 p.m., Monday through Friday except Federal holidays, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour and except between 4:25 p.m. and 5:25 p.m. when the draw need not open. On Saturdays, Sundays, and Federal holidays from 7:30 a.m. to 6 p.m. the draw need open only on the hour, quarter-hour, half-hour, and three quarter-hour.

(b-1) The draw of the Siesta Key bridge, mile 71.6 at Sarasota, shall open on signal, except that from 11 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays, the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(c) The draw of the Ringling Causeway (SR780) bridge, mile 73.6 at Sarasota, shall open on signal; except that, from 7:30 a.m. to 6 p.m., the draw need

be opened only on the hour and half hour.

(d)(1) The draw of the Cortez (SR 684) bridge, mile 87.4, shall open on signal; except that, from 9 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour. From December 1 to May 31, Monday through Friday except Federal holidays, from 9 a.m. to 6 p.m., the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(2) The draw of the Anna Maria (S.F. 64) bridge, mile 89.2, shall open on signal except that from 9 a.m. to 6 p.m. on Saturdays, Sundays, and federal holidays the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour. From December 1 to May 31, Monday through Friday, from 9 a.m. to 6 p.m. the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

(3) The draw of the Pinellas Bayway, Structure "E" (SR 679) bridge, mile 113, at St. Petersburg Beach shall open on signal; except that from 9 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour, quarter-hour, half-hour, and three quarter-hour.

(e) The draw of the Pinellas Bayway, Structure "C" bridge, mile 114, at St. Petersburg Beach shall open on signal; except that from 9:00 a.m. to 6:00 p.m. on Saturdays, Sundays, and holidays, the draw need be opened only on the hour, quarter-hour, half-hour, and three-quarter hour.

(f) The draw of the Corey Causeway (SR693) bridge, mile 117.7 at South Pasadena, shall open on signal; except that, from 8 a.m. to 7 p.m. Monday through Friday, and 10 a.m. to 7 p.m. Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(g) The draw of the Treasure Island Causeway bridge, mile 119.0, shall open on signal, except that from 3 p.m. to 6 p.m. Monday through Friday, and from 11 a.m. to 6 p.m. Saturdays, Sundays, and Federal holi-

days, the draw need be opened only on the hour, quarter hour, half hour, and three-quarter hour. From 11 p.m. to 7 a.m. the draw shall open on signal if at least 10 minutes advance notice is given.

(h) The draw of the Welch Causeway (SR699) bridge, mile 122.8 at Madeira Beach, shall open on signal; except that, from 9:30 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(i) The draw of the Belleair Causeway bridge, mile 131.8 at Clearwater, shall open on signal; except that, from 12 noon to 6 p.m., on Saturdays, Sundays, and holidays, the draw need be opened only on the hour, quarter hour, half hour, and three-quarter hour.

(j) The draw of the Memorial Clearwater Causeway (SR60) bridge, mile 136.0 at Clearwater, shall open on signal; except that, from 9 a.m. to 6 p.m., the draw need be opened only on the hour, 20 minutes past the hour, and 40 minutes past the hour. From 2 p.m. to 6 p.m. Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour and half hour.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD7 84-34, 50 FR 2546, Jan. 17, 1985; CGD7-85-13, 50 FR 29672, July 22, 1985; CGD7-85-23, 50 FR 38001, Sept. 18, 1985; CGD7-85-28, 50 FR 41345, Oct. 11, 1985; CGD7 86-32, 52 FR 30671, Aug. 17, 1987; CGD7-88-03, 53 FR 26249, July 12, 1988; CGD7-88-32, 53 FR 48904, Dec. 5, 1988; CGD7-88-27, 53 FR 52160, Dec. 2, 1988]

§ 117.289 Hillsboro Inlet.

The draw of the SR A-1-A bridge, mile 0.3 at Hillsboro Beach, shall open on signal; except that, from 7 a.m. to 6 p.m., the draw need be opened only on the hour, quarter hour, half hour, and three quarter hour. Public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time.

§ 117.291 Hillsborough River.

(a) The draws of the bridges at Platt Street, mile 0.0; Brorein Street, mile 0.16; Kennedy Boulevard, mile 0.6

Cass Street, mile 0.7; and Laurel Street, mile 1.0, shall open on signal from 9 a.m. to 4 p.m. Monday through Friday, and from 8 a.m. to 6 p.m. Saturdays, Sundays, and Federal holidays. At all other times, the draws shall open on signal if at least two hours notice is given; except that, the draws shall open on signal as soon as possible, but not longer than one hour, after a request by a public vessel of the United States, a vessel owned or operated by the state, county, or local government and used for public safety purposes, or a vessel in distress.

(b) The draw of the Seaboard System Railroad bridge, mile 0.7, shall open on signal from 4 p.m. to 12 midnight Monday through Friday. At all other times, the draw shall be maintained in the fully open position.

(c) The draws of the City of Tampa highway bridge at West Columbus Drive, mile 2.3, and the State of Florida highway bridge at West Hillsborough Avenue, mile 4.8, shall open on signal from 8 a.m. to 6 p.m. The draws shall open on signal from 6 p.m. to 8 a.m. if at least one hour notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

§ 117.293 Indian Creek.

The draw of the 63rd Street bridge, mile 4.0 at Miami Beach, shall open on signal; except that, from December 1 through April 15 from 11 a.m. to 6 p.m., the draw need be opened only on the hour. Public vessels of the United States, regularly scheduled cruise vessels, and vessels in an emergency involving life or property shall be passed at any time.

§ 117.295 Kissimmee River.

The draw of the Seaboard System Railroad bridge, mile 37.0 at Fort Basinger, shall open, if at least 72 hours notice is given, for passage of floating equipment employed in flood control work under the jurisdiction of the South Florida Water Management District or the U.S. Army Corps of Engineers. The draw need not be opened for other vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD7-88-49, 54 FR 31828, Aug. 2, 1989]

§ 117.297 Little Manatee River.

The draw of the Seaboard System Railroad bridge, mile 2.4 at Ruskin, shall open on signal if at least three hours notice is given.

§ 117.299 Longboat Pass.

The draw of the SR789 bridge, mile 0.0 between Longboat Key and Anna Maria Key, shall open on signal; except that, from 6 p.m. to 6 a.m., the draw shall open on signal if at least three hours notice is given.

§ 117.300 Loxahatchee River.

The draw of the Florida East Coast Railway bridge across the Loxahatchee River, mile 1.2 at Jupiter, operates as follows:

(a) The bridge is not constantly tended.

(b) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

(c) When a train approaches, the lights go to flashing red and a horn starts four blasts, pauses, and then continues four blasts. After an eight minute delay, the draw lowers and locks, providing the scanning equipment reveals nothing under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied.

(d) After the train has cleared, the draw opens and the lights return to flashing green.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

§ 117.301 Manatee River.

The draw of the US41 bridge, mile 4.3 at Manatee, shall open on signal from 6 a.m. to 7 a.m. and 9 a.m. to 4 p.m. The draw need not be opened for the passage of vessels from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. The draw shall open at 6 p.m. if any vessels are waiting to pass. From 6 p.m. to 6 a.m., the draw shall open on signal if at least three hours notice is given. Public vessels of the United States, tugs with tows, and vessels in distress

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shall be passed as soon as possible. During a hurricane alert issued by the National Weather Service, the draw shall open on signal.

§ 117.303 Matlacha Pass.

The draw of the SR78 bridge, mile 6.0 at Fort Myers, shall open on signal from 8 a.m. to 7 p.m. From 7 p.m. to 8 a.m., the draw need not be opened for the passage of vessels.

§ 117.305 Miami River.

The draw of each bridge from the mouth to and including the N.W. 27th Avenue bridge, mile 3.7 at Miami, shall open on signal; except that, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday except New Year's, Independence, Labor, Veteran's, Thanksgiving, and Christmas Days, the draws need not be opened for the passage of vessels. During the period of a hurricane alert issued by the National Weather Bureau, all bridges shall open on signal. Public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

§ 117.307 Miami River, North Fork.

The draw of the Seaboard System Railroad bridge, mile 5.3 at Miami, shall open on signal from 8:30 a.m. to 5:30 p.m. Monday through Friday. At all other times, the draw shall open on signal if at least three hours notice is given.

§ 117.309 Nassau Sound.

The draw of the Fernandina Port Authority (SR A-1-A) bridge, mile 0.4 between Amelia Island and Talbot Island, shall open on signal from 6 a.m. to 6 p.m. if at least six hours notice is given. The draw need not be opened from 6 p.m. to 6 a.m.

§ 117.311 New Pass.

The draw of the State Road 789 bridge, mile 0.0, at Sarasota, shall open on signal; except that, from 7 a.m. to 6 p.m., Monday thru Friday, except Federal holidays, and from 10 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays, the draw need not open except on the hour, twenty minutes past the hour, and forty min-

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utes past the hour. Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed at any time.

[CGD7 87-05, 52 FR 38758, Oct. 19, 1987]

§ 117.313 New River.

(a) The draw of the S.E. Third Avenue bridge, mile 1.4 at Fort Lauderdale, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Friday, the draw need not be opened for the passage of vessels. Public vessels of the United States, regularly scheduled cruise vessels, tugs with tows, and vessels in distress shall be passed at any time.

(b) The draw of the Andrews Avenue bridge, mile 2.3 at Fort Lauderdale, shall open on signal; however, the draw need not be opened for upbound vessels when the draw of the Florida East Coast railroad bridge, mile 2.5 at Fort Lauderdale, is in the closed position for the passage of a train.

§ 117.315 New River, South Fork.

(a) The draw of the Southwest 12th Street bridge, mile 0.9 at Fort Lauderdale, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Friday, the draws need not be opened for the passage of vessels. Public vessels of the United States, regularly scheduled cruise vessels, tugs with tows, and vessels in distress shall be passed through the draw as soon as possible.

(b) The draw of the SR84 bridge, mile 4.4 at Fort Lauderdale, shall open on signal if at least 24 hours notice is given. Public vessels of the United States, regularly scheduled cruise vessels, tugs with tows, and vessels in distress shall be passed through the draw as soon as possible.

§ 117.317 Okeechobee Waterway.

(a) *Exempt vessels.* This term means public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property.

(b) *Evans Crary (SR A1A) bridge, mile 3.4 at Stuart.* The draw shall open on signal; except that from December 1 through May 1, from 7 a.m. to 6 p.m., Monday through Friday, except federal holidays, the draw need open only on the hour and half-hour. On Saturdays, Sundays, and federal holidays, December 1 through May 1, from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. Exempt vessels shall be passed at any time.

(c) *Florida East Coast Railroad bridge, mile 7.4 at Stuart.* The draw shall operate as follows:

(1) The bridge is not constantly tended.

(2) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

(3) When a train approaches the bridge, the navigation lights go to flashing red and a horn sounds four blasts, pauses, and then repeats four blasts. After an eight minute delay, the draw lowers and locks, providing the scanning equipment reveals nothing under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied.

(4) After the train has cleared, the draw opens and the lights return to flashing green.

(d) *Roosevelt (US1) bridge, mile 7.4 at Stuart.* The draw shall open on signal; except Monday through Friday, except Federal holidays, from 7 a.m. to 6 p.m. the draw need open only on the hour and half hour. However, the draw need not open between 7:30 a.m. and 9 a.m. and 4 p.m. and 5:30 p.m. except at 8:15 a.m. and 4:45 p.m. On Saturdays, Sundays, and federal holidays from 8 a.m. to 6 p.m. the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. When the adjacent railway bridge is in the closed position at the time of a scheduled opening the draw need not open, but it must then open immediately upon opening of the railroad bridge to pass all accumulated vessels. Exempt vessels shall be passed at any time.

(e) *Seaboard System Railroad bridge, mile 28.2 at Indiantown.* The draw shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least three hours notice is given.

(f) *Florida East Coast Railroad bridge, mile 38.0 at Port Mayaca.* The draw shall operate as follows:

(1) The bridge is not constantly tended.

(2) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

(3) When a train approaches the bridge, the navigation lights go to flashing red and a horn sounds four blasts, pauses, and then repeats four blasts. After an eight minute delay, the draw lowers and locks, providing the scanning equipment reveals nothing under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied.

(4) After the train has cleared, the draw opens and the lights return to flashing green.

(g) *Belle Glade Dike (SR 71) bridge, mile 60.7 between Torry Island and Lake Shore.* The draw shall open on signal from 7 a.m. to 6 p.m. Monday through Thursday, and from 7 a.m. to 7 p.m. Friday through Sunday. At all other times, the draw need not be opened for the passage of vessels.

(h) *Seaboard System Railroad bridge, mile 78.3 at Moore Haven.* The draw shall open on signal, except that, from 10 p.m. to 6 a.m. the draw need not be opened for the passage of vessels.

(i) *Highway bridges at Moore Haven (mile 78.4) La Belle (mile 103.0), Denaud (mile 108.2), Alva (mile 116.0), and Olga (mile 126.3).* The draws shall open on signal; except that, from 10 p.m. to 6 a.m. the draws shall open on signal if at least three hours notice is given.

(j) *Edison Memorial (US 41) bridge, mile 134.5 at Fort Myers.* The draw shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and from 5 p.m. to 6 p.m. Monday through Friday except Federal holidays the draw need not be opened for the passage of ves-

sels. Exempt vessels shall be passed at any time.

(k) *Sanibel Causeway bridge, mile 151 at Punta Rassa.* The draw shall open on signal; except that from 3:45 p.m. to 5:15 p.m., Monday through Friday, except federal holidays, the draw need open only at 4:15 p.m. and 4:45 p.m. On Saturdays, Sundays, and federal holidays from 3:45 p.m. to 5:15 p.m., the draw need open only at 4 p.m., 4:15 p.m., 4:30 p.m., 4:45 p.m. and 5 p.m. Exempt vessels shall be passed at any time.

[CGD7 85-50, 51 FR 12319, Apr. 10, 1986, as amended by CGD7 87-06, 52 FR 28693, Aug. 3, 1987; CGD 7-87-37, 53 FR 120, Jan. 5, 1988; CGD7-87-37, 53 FR 17465, May 17, 1988]

§ 117.319 Oklawaha River.

(a) The draws of the Sharpes Ferry (SR 40) bridge, mile 55.1, and Muclan Farms bridge, mile 63.9, shall open on signal if at least three hours notice is given.

(b) The draw of the Moss Bluff (SR 464) bridge, mile 66.0, need not open for the passage of vessels.

[CGD7-85-15, 50 FR 29672, July 22, 1985, as amended by CGD7-87-49, 52 FR 42649, Nov. 6, 1987]

§ 117.321 Orange River.

The draw of the SR80 bridge, mile 0.9 between Fort Myers Shores and Tice, shall open on signal if at least 24 hours notice is given. During a hurricane alert for the Caloosahatchee and Orange Rivers area issued by the National Weather Service, the draw shall open at any time.

§ 117.323 Outer Clam Bay.

The draw of the Clam Bay boardwalk shall open: on signal between 9 a.m. and 5 p.m., if at least one-hour advance notice is given. Between 5 p.m. and 9 a.m., the draw will be left in the open position.

[CGD7-87-1, 52 FR 21953, June 10, 1987]

§ 117.325 St. Johns River.

(a) The draws of the Main Street (US17) bridge, mile 24.7, the Acosta bridge, mile 24.9, and the Fuller Warren (110-195) bridge, mile 25.4, all at Jacksonville, shall open on signal;

except that, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m. Monday through Saturday except holidays, the draw need not be opened for the passage of vessels. The draws shall open at any time for vessels in an emergency involving life or property.

(b) The draw of the Florida East Coast automated railroad bridge, mile 24.9, shall operate as follows:

(1) The bridge shall be constantly tended and have a mechanical override capability for the automated operation. A radiotelephone shall be maintained at the bridge for the safety of navigation.

(2) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

(3) When a train approaches, large signs on both the upstream and downstream sides of the bridge flash "Bridge Coming Down," the lights go to flashing red, and siren signals sound. After an eight minute delay, the draw lowers and locks if there are no vessels under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied.

(4) After the train has cleared, the draw opens and the lights return to flashing green.

§ 117.327 St. Marks River.

The draw of the U.S. 98-SR30 bridge, mile 9.0 at Newport, need not be opened for the passage of vessels.

[CGD8-88-13, 54 FR 13064, Mar. 30, 1989]

§ 117.329 St. Marys River.

The draws of US17 bridge, mile 23.0, and the Seaboard System Railroad bridge, mile 23.1, both at Kingsland, shall open on signal if at least 48 hours notice is given.

§ 117.333 Suwannee River.

The draw of the Seaboard System Railroad bridge, mile 35.0 at Old Town, shall open on signal if at least five days notice is given.

§ 117.335 Taylor Creek.

The draw of US441 bridge, mile 0.3 at Okeechobee, shall open on signal if at least two hours notice is given.

Coast Guard, DOT

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

§ 117.337 Trout River.

The draw of the Seaboard System Railroad bridge, mile 0.9 at Panama Park, shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.341 Whitcomb Bayou.

The draw of the Beckett Bridge, mile 0.5, at Tarpon Springs, Florida shall open on signal if at least two hours notice is given.

[CGD 87-60, 53 FR 3206, Feb. 4, 1988]

GEORGIA

§ 117.351 Altamaha River.

(a) The draws of all bridges, except the Seaboard System Railroad bridge, mile 59.4 at Doctortown, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Seaboard System Railroad bridge, mile 59.4 at Doctortown, shall open on signal if at least seven days notice is given.

§ 117.353 Atlantic Intracoastal Waterway, Savannah River to St. Marys River.

(a) *General.* Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed through the draw of each bridge in this section at any time.

(b) *Causton Bluff, SR 26, mile 579.9 near Causton Bluff.* The draw shall open on signal, except that from 6:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday, except Federal holidays the draw need open only at 7 a.m., 8 a.m. and 5:30 p.m.

[CGD 84-29, 50 FR 51249, Dec. 16, 1985, as amended by CGD 87-12, 52 FR 42647, Nov. 6, 1987; CGD 87-76, 53 FR 2035, Jan. 26, 1988]

§ 117.359 Chattahoochee River.

The draw of the Central of Georgia railroad bridge, mile 117.1 at Omaha, shall open on signal if at least six hours notice is given.

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§ 117.361 Flint River.

The draws of the Seaboard System Railroad bridges, miles 28.0 and 28.7, both at Bainbridge, shall open on signal if at least 15 days notice is given.

§ 117.363 Ocmulgee River.

The draws of each bridge shall open on signal if at least 24 hours notice is given.

§ 117.365 Oconee River.

The draw of the SR46 bridge, mile 44.3 near Soperton, shall open on signal if at least 24 hours notice is given.

§ 117.367 Ogeechee River.

(a) The draw of the Seaboard System Railroad bridge, mile 30.7 at Richmond Hill, shall open on signal if at least 15 days notice is given.

(b) The draw of the highway bridge, mile 37.8 near Richmond Hill, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

§ 117.369 Satilla River.

The draw of the Seaboard System Railroad bridge, mile 25.7 at Woodbine, shall open on signal if at least 24 hours notice is given.

§ 117.371 Savannah River.

(a) The draw of the Houlihan bridge (US 17) mile 21.6 at Savannah shall open on signal if at least three hours advance notice is given to the Georgia Department of Transportation Area Engineer in Savannah.

(b) The draw of the Seaboard System Railroad bridge, mile 27.4 near Hardeeville, South Carolina shall open on a signal if at least three hours advance notice is given. VHF radiotelephone communications will be maintained at the railroad's chief dispatcher's office in Savannah.

(c) The draw of the Seaboard System Railroad bridge, mile 60.9, near Clyo shall open on signal if at least three hours advance notice is given. VHF radiotelephone communi-

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cations will be maintained at the dispatcher's office in Savannah, Georgia.

(d) The draw of the Seaboard System Railroad bridge, mile 195.4 near Augusta, shall open on signal if at least three hours notice is given.

[CGD7-84-21, 49 FR 43955, Nov. 1, 1984, as amended by CGD7-84-01, 50 FR 25073, June 17, 1985; CGD7-87-45, 53 FR 4394, Feb. 16, 1988]

§ 117.373 St. Marys River.

The draws of the US17 bridge, mile 23.0 and the Seaboard System Railroad bridge, mile 23.1, both at Kingsland, shall open on signal if at least 48 hours notice is given.

IDAHO

§ 117.381 Clearwater River.

The draws of the Union Pacific (Camas Prairie) railroad bridge, mile 0.6 at Lewiston, shall open on signal if at least three hours notice is given to the Camas Prairie Railroad in Lewiston.

§ 117.383 Pend Oreille River.

The draw of the Burlington Northern railroad bridge, mile 111.3 near Sandpoint, need not be opened for the passage of vessels.

§ 117.385 Snake River.

The draw of the US12 bridge, mile 140.0 between Lewiston, Idaho, and Clarkston, Washington, operates as follows:

(a) From March 15 through November 15 at 6 a.m., 10 a.m., 3 p.m., 7 p.m., and 9 p.m., the draw shall open if at least two hours notice is given to the Washington State Department of Transportation.

(b) From November 16 through March 14 at 9 a.m., 10 a.m., 2 p.m., and 3 p.m., the draw shall open if at least two hours notice is given to the Washington State Department of Transportation.

(c) At all other times, the draw need not be opened.

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ILLINOIS

§ 117.389 Calumet River.

The draws of the Conrail bridges, miles 1.4 and 1.5 at Chicago, operate as follows:

(a) The draws shall open on signal, except that, if either one of the bridges is inoperable because of equipment breakdown, the other bridge need not be opened.

(b) In addition to the signals prescribed in § 117.15, the following special visual signals shall be used on the bridges:

(1) When the draw cannot be opened immediately, or is open and must be closed promptly, two red lights are flashed alternately.

(2) When the draw can be opened immediately, two amber lights are flashed alternately.

(3) When the draw is open for passage, two green lights are flashed alternately.

§ 117.391 Chicago River.

(a) The draws of the bridges across the Chicago River from its mouth to the junction of the North and South Branches, across the South Branch from the junction to and including the West Roosevelt Road, and across the North Branch to and including North Kinzie Street and the Ohio Street bridge shall open on signal from April 1 through December 31; except that, from Monday through Friday from 7:30 a.m. to 10 a.m. and 4 p.m. to 6:30 p.m., the draws need not be opened for the passage of vessels.

(b) The draws of the bridge across the North Branch of the Chicago River at Grand Avenue, the bridges across the North Branch of the Chicago River north of the Ohio Street bridge to and including North Halsted Street and the bridges across the South Branch of the Chicago River above South Halsted Street to and including West Roosevelt Road shall open on signal from April 1 through December 31; except that, from Monday through Friday from 7 a.m. to 8 a.m. and 5:30 p.m. to 6:30 p.m., the draws need not be opened for the passage of vessels.

(c) The draws of the bridges across the North Branch of the Chicago River north of North Halsted Street and the South Branch of the Chicago River south of South Halsted Street shall open on signal from April 1 through December 31; except that, from 7 a.m. to 8 a.m. and 5:30 p.m. to 6:30 p.m., the draws need not be opened for the passage of vessels.

(d) From January 1 through March 31, the draws of the highway bridges across the Chicago River, the North Branch of the Chicago River, North Branch Canal, and the South Branch of the Chicago River shall open on signal if at least 12 hours notice is given.

(e) The Randolph Street, Cermak Road, Throop Street, and Loomis Street bridges across the South Branch of the Chicago River, the North Halsted Street bridge across the North Branch Canal, and the West Kinzie Street bridge across the North Branch of the Chicago River shall open on signal from April 1 through December 31.

(f) The draw of the Chicago, Milwaukee, St. Paul and Pacific railroad bridge across the North Branch Canal need not be opened for the passage of vessels.

(g) Draws of the following bridges in Chicago shall open on signal if tended or within 30 minutes after notice is given to the Port Director's Office:

(1) *Chicago River, South Branch.*

Washington Street.
Madison Street.
Monroe Street.
Adams Street.
Jackson Boulevard.
Van Buren Street.
Congress Street (Eisenhower Expressway).
Harrison Street.
Roosevelt Road.
Eighteenth Street.
Canal Street.
South Halsted Street.

(2) *West Fork of the South Branch.*

South Ashland Avenue.
South Damen Avenue.

(3) *Chicago River, North Branch.*

Grand Avenue.
Chicago Avenue.
North Halsted Street.
Ogden Avenue.
Division Street.

(4) *North Branch Canal.*

Ogden Avenue.
Division Street.

(h) The draws of bridges across the North Branch Canal that have a vertical clearance of less than 17 feet above Low Water Datum for Lake Michigan shall open at any time to permit the passage of tugs and tugboats.

(i) The draws of any of the bridges listed in this section shall open as soon as possible for the passage of emergency vessels of the City of Chicago or public vessels of the United States.

(j) The draw of the Lake Shore Drive bridge across Ogden Slip need not be opened for the passage of vessels.

(k) The draws of the North Avenue, Cortland Street, Webster Avenue, North Ashland Avenue, Chicago and Northwestern railroad, North Damen Avenue, and Belmont Avenue bridges across the North Branch of the Chicago River need not be opened for the passage of vessels.

(l) The opening signal for all Chicago River bridges is three short blasts or by shouting; except that, four short blasts is the opening signal for the Chicago and Northwestern railroad bridge near West Kinzie Street and the Milwaukee Road bridge near West North Avenue and five short blasts is the opening signal for the Lake Shore bridge when approaching from the north.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984; 49 FR 43460, Oct. 29, 1984]

§ 117.393 Illinois River.

The draw of the automated Burlington Northern railroad bridge, mile 88.8 at Beardstown, Illinois, operates as follows:

(a) The draw is normally maintained in the fully open position, displaying a green light to indicate that vessels may pass.

(b) When a vessel is approaching and the draw is in the open position, contact shall be established by radio-telephone with the remote operator to assure that the draw remains open until passage is complete.

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(c) When a vessel is approaching and the draw is in the closed position, contact shall be established by radiotelephone with the remote operator. If the draw cannot be opened immediately, alternate flashing red lights are displayed. If the draw can be opened immediately, flashing amber lights are displayed.

(d) When a train approaches the bridge and the draw is in the open position, the operator shall activate alternate flashing red lights on top of the draw, sound four short blasts, and scan the river on radar to determine whether any vessel is approaching the bridge. The remote operator shall also broadcast that the draw is closing. If a vessel or vessels are approaching the bridge within one mile, as determined by radar scanning, response to radio broadcast, or electronic detector, the flashing red lights shall be changed to flashing amber and the operator shall keep the draw in the fully open position until the vessel or vessels have cleared the bridge. If no vessel is approaching the bridge or is beneath the draw, the draw may be lowered and locked in place.

(e) After the train has cleared the bridge, the draw shall be raised to its full height and locked in place, the red flashing lights stopped, and the draw lights changed from red to green.

§ 117.395 Illinois Waterway.

The draws of the McDonough Street bridge, mile 287.3, Jefferson Street bridge, mile 287.9, Cass Street bridge, mile 288.1, Jackson Street bridge, mile 288.4, and Ruby Street bridge, mile 288.7, all at Joliet, shall open on signal, except that they need not open from 7:30 a.m. to 8:30 a.m. and from 4:15 p.m. to 5:15 p.m. Monday through Saturday.

[CGD 82-025, 49 FR 43460, Oct. 29, 1984]

§ 117.397 Wabash River.

The draws of each bridge across the Wabash River shall open on signal if at least 72 hours notice is given.

INDIANA

§ 117.401 Trail Creek.

The draw of the Amtrak bridge, mile 0.9 at Michigan City, shall open on

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signal from 6:30 a.m. to 2:30 p.m. daily except Sunday from February 16 through December 14. The draw is not manned at all other times. If passage is desired, the Chief Dispatcher, Amtrak at Chicago, shall be notified. Collect telephone calls are accepted. The dispatcher shall arrange to have the draw open within 20 minutes.

§ 117.403 Wabash River.

The draws of each bridge across the Wabash River shall open on signal if at least 72 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

IOWA

§ 117.407 Missouri River.

The draws of the bridges across the Missouri River from the mouth to Sioux City shall open on signal; except that, from December 16 through the last day of February, the draws shall open on signal if at least 24 hours notice is given.

KANSAS

§ 117.411 Missouri River.

(a) The draws of the bridges across the Missouri River from the mouth to Sioux City, Iowa, shall open on signal; except that, from December 16 through the last day of February, the draws shall open on signal if at least 24 hours notice is given.

(b) The lift span of the A-S-B highway and railroad bridge, Mile 365.6, between Kansas City, Kansas, and Kansas City, Missouri, is operated from a remote location. Radiotelephone contact may be established with the remotely located bridge/train controller to request bridge openings. The bridge is also equipped with a directional microphone and horn to receive and deliver signals to vessels not equipped with a radiotelephone. Closed circuit TV cameras located at the bridge enable the remotely located bridge/train controller to view both river traffic and the bridge itself.

(1) When an approaching vessel requires a bridge opening, contact shall be established with the bridge/train

controller by radiotelephone or appropriate signals prescribed in § 117.15.

(2) The bridge/train controller will confirm by radiotelephone or sound signal that the bridge will open promptly.

(3) When rail traffic is on bridge, the bridge/train controller will inform the vessel that bridge cannot be opened and will also give an approximate time of bridge opening via radiotelephone. The bridge/train controller will indicate via sound signals that lift span cannot be opened if the vessel doesn't have a radiotelephone, or if radiotelephone is not used.

(4) When the bridge is clear of rail traffic, the bridge/train controller will advise the waiting vessel by radiotelephone or sound signal of the intended opening. The lift span will be raised to its full height, and the midchannel bridge lights will change from red to green.

(5) The bridge/train controller will monitor the vessel's passage via closed circuit TV and radiotelephone until it has cleared the bridge.

(6) When the vessel has cleared the draw, midchannel bridge navigation lights will change from green to red and the lift span will be lowered to the closed-to-navigation position.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD2 84-03, 50 FR 47391, Nov. 18, 1985]

KENTUCKY

§117.415 Green River.

(a) The draw of the Seaboard System railroad bridge, Mile 8.3 at Spottsville, shall open on signal when there is 40 feet or less of vertical clearance beneath the draw. When vertical clearance is more than 40 feet, at least four hours notice shall be given. The owners of, or agencies controlling, the bridge shall arrange for ready telephone communication with the authorized representative at any time from the bridge or its immediate vicinity.

(b) The draws of the Seaboard System railroad bridges, Miles 71.2 and 79.6 at Livermore and Smallhouse, are normally maintained in the fully open position and a vessel may pass through the draw without further sig-

nals. When the draws are in the closed position, they shall open on signal when there is 40 feet or less of vertical clearance. When the vertical clearance is more than 40 feet, at least four hours notice shall be given. During this period, if the drawtender is informed at the time the vessel passes through the draw that the vessel will return within four hours, the drawtender shall remain on duty until the vessel returns but is not required to remain for longer than four hours. The owners of, or agencies controlling, the bridge shall arrange for ready telephone communication with the authorized representative at any time from the bridge or its immediate vicinity.

(c) The Paducah and Louisville railroad bridge, Mile 94.8 at Rockport, is operated as follows:

(1) When river stage permits a vertical clearance of 34 feet or more under the closed draw, as determined from gauges attached to the bridge, drawspan is in the closed-to-navigation position. Draw will open on signal for vessels requiring greater clearance if at least eight hours advance notice is given.

(2) When vertical clearance under the closed draw is less than 34 feet, drawspan is automatically raised to and maintained in the open to navigation position and closed automatically for passage of rail traffic. When drawspan is in the "open" position, and a train approaches the bridge, a siren sounds continuously and amber lights, mounted on the bridge and oriented upstream and downstream, begin flashing. After five minutes the amber flashing lights change to red, and the drawspan begins to close. If a boat is under, or enters under, the drawspan while it is closing, the boat is automatically detected by an electronic device, and the drawspan stops its downward motion and returns to the open position. After the boat passes, the drawspan closes. When the drawspan is fully closed, the siren stops and channel lights flash red. After the train has passed, the draw opens fully, and the flashing red light changes to steady green. When the bridge is being maintained in the open position and automatically closes for trains, rotat-

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ing red lights are displayed atop the bridge.

(3) A warning light located on the left bank 1,000 feet upstream of the bridge is tied into the bridge's operating circuits. If water level is high, and bridge has closed for a train, upstream light will show red. If water level is high and bridge is in the open position, upstream light will show green. If water level is at normal pool or lower, bridge will be in the closed position and light will also show green.

[CGD2 88-01, 53 FR 23621, June 23, 1988]

§ 117.417 Ohio River.

The draw of the Southern Railway railroad bridge, mile 607.4 at New Albany, Indiana, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

LOUISIANA

§ 117.422 Amite River.

(a) The draw of the S22 bridge, mile 6.0 at Clio, shall open on signal if at least four hours notice is given.

(b) The draws of the S16 bridge, mile 21.4 near French Settlement, and the S42 bridge, mile 32.0 at Port Vincent, shall open on signal if at least 48 hours notice is given.

[CGD 82-025, 49 FR 17452, as amended by CGD 08-84-04, 49 FR 48924, Dec. 17, 1984. Redesignated by CGD8-88-05, 53 FR 27681, July 22, 1988]

§ 117.423 Atchafalaya River.

The draw of the Kansas City Southern Railway bridge, mile 133.1 (mile 5.0 on N.O.S. Chart) above the mouth of the waterway, at Simmesport, shall open on signal if at least three hours advance notice is given.

[CGD8-88-05, 53 FR 27681, July 22, 1988]

§ 117.424 Belle River

The draw of the S70 bridge, mile 23.8 (Landside Route) near Belle River, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on

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demand should a temporary surge in waterway traffic occur.

[CGD 08-84-07, 50 FR 24195, June 10, 1985]

§ 117.425 Black Bayou

The draws of the Terrebonne Parish Police Jury bridges, miles 7.5, 15.0, 18.7 and 22.5, between Gibson and Houma, shall open on signal if at least 24 hours notice is given. The draw of the US90 bridge, mile 7.0 near Gibson, need not be opened for the passage of vessels.

[CGD8-87-12, 53 FR 5974, Feb. 29, 1988]

§ 117.427 Black River.

The draw of the US84 bridge, mile 41.0 at Jonesville, shall open on signal if at least one hour notice is given.

§ 117.429 Boeuf Bayou.

The draw of the S307 bridge, mile 1.3 at Kraemer, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.431 Boeuf River.

The draw of the S4 bridge, mile 32.3 near Mason, shall open on signal if at least 48 hours notice is given.

§ 117.433 Bonfouca Bayou.

The draw of the S433 bridge, mile 7.0 at Slidell, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.435 Caddo Lake.

The draw of the Kansas City Southern railroad bridge, mile 26.4 near Mooringsport, shall open on signal if at least 24 hours notice is given.

§ 117.436 Carlin Bayou.

The draw of the S14 bridge, mile 6.4 at Delcambre, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given. The draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

[CGD8-88-19, 54 FR 16107, Apr. 21, 1989]

§ 117.437 Coliyell Bayou.

The removable span of the Louisiana highway bridge, mile 1.0 near Port Vincent, shall be removed for the passage of vessels if at least 48 hours notice is given.

§ 117.438 Company Canal.

(a) The draw of the S1 bridge, mile 0.4 at Lockport, shall open on signal; except that, from 6 p.m. to 10 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(b) The draw of the S24 bridge, mile 8.1 at Bourg, shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

[CGD 08-84-12, 50 FR 23306, June 3, 1985. Redesignated and amended by CGD8-85-10, 50 FR 38001, Sept. 19, 1985]

§ 117.439 Des Allemands Bayou.

The draws of the S631 bridge, mile 13.9 at Des Allemands, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.441 D'Inde Bayou.

The draw of the Southern Pacific railroad bridge, mile 4.3, shall open on signal if at least 72 hours notice is given to the Defense Plant Corporation, Cities Service Refining Corporation Agent.

§ 117.443 Du Large Bayou.

The draw of the Terrebonne Parish bridge, mile 23.2, near Theriot, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

[CGD 08-84-07, 50 FR 24195, June 10, 1985]

§ 117.445 Franklin Canal.

The draw of the Chatsworth bridge, mile 4.8 at Franklin, shall open on signal from 5 a.m. to 9 p.m. From October 1 through January 31 from 9 p.m. to 5 a.m., the draw shall be opened on signal if at least three hours notice is given. From February 1 through September 30 from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.447 Grand Cabahanosse Bayou.

The draw of the S70 bridge, mile 7.6 near Paincourtville, shall open on signal if at least 24 hours is given.

§ 117.449 Grosse Tete Bayou.

(a) The draw of the Texas and Pacific railroad bridge, mile 14.7 at Grosse Tete, need not be opened for the passage of vessels.

(b) The removable span of the S377 bridge, mile 15.3 near Rosedale, shall be removed for the passage of vessels if at least 48 hours notice is given.

§ 117.451 Gulf Intracoastal Waterway.

(a) The draw of the Lapalco Boulevard Bridge, Harvey Canal Route, mile 2.8 at Harvey, shall open on signal; except that, from 6:30 a.m. to 8:30 a.m. and from 3:45 p.m. to 5:45 p.m. Monday through Friday except holidays, the draw need not be opened for the passage of vessels.

(b) The draw of the S23 bridge, Algiers Alternate Route, mile 3.8 at Belle Chasse, shall open on signal; except that, from 3:30 p.m. to 5:30 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels.

(c) The draws of the East Main Street bridge, mile 57.5, East Park Avenue bridge, mile 57.6, and the Bayou Dularge bridge, mile 59.9, all at Houma, shall open on signal; except that, the draws need not be opened for the passage of vessels Monday through Friday except holidays from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m.

(d) The draw of the SR319 (Louisiana) bridge across the Gulf Intracoastal Waterway, mile 134.0 near Cypremort, shall open on signal; except that from 15 August to 5 June, the draw need

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not be opened from 6:55 to 7:10 a.m. and from 3:50 to 4:05 p.m. Monday through Friday except holidays.

(e) The draw of the Louisiana highway bridge, mile 243.8 west of Harvey Canal Locks, shall open on signal when more than 50 feet vertical clearance is required, if at least four hours notice is given to the Louisiana Department of Highways, District Maintenance Engineer, at Lake Charles.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984, as amended by CGD 8-87-14, 53 FR 12417, Apr. 14, 1988]

§ 117.453 Houma Canal.

The draw of the S3197 bridge, mile 1.7 at Houma, shall open on signal if at least four hours notice is given.

[CGD 08-84-06, 50 FR 1850, Jan. 14, 1985]

§ 117.455 Houma Navigation Canal.

The draw of the bridge across the Houma Navigation Canal at S661, mile 36.0 at Houma, shall open on signal, except that the draw need not be opened for the passage of vessels Monday through Friday except holidays from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m.

§ 117.457 Houston River.

The draw of the Kansas City Southern Railroad bridge, mile 5.2 near Lake Charles, shall open on signal if at least 24 hours notice is given.

§ 117.458 Inner Harbor Navigation Canal, New Orleans.

(a) The draw of the US90 (Danziger) bridge, mile 3.1, shall open on signal; except that, from 8 p.m. to 7 a.m. the draw shall open on signal if at least four hours notice is given, and the draw need not be opened from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday.

(b) The draw of the Leon C. Simon Blvd. (Seabrook) bridge, mile 4.6, shall open on signal; except that, from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday, the draw need not be opened.

[CGD 8-89-05, 54 FR 36305, Sept. 1, 1989]

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§ 117.458 Inner Harbor Navigation Canal, New Orleans.

The draws of the Danziger bridge, mile 3.1 at Chef Menteur Highway (US90), and the New Seabrook bridge, mile 4.6, shall open on signal; except that, from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday, the draws need not be opened.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, Redesignated by CGD 85-040, 50 FR 19527, May 9, 1985]

§ 117.459 Kelso Bayou.

The draw of the S27 bridge, mile 0.7 at Hackberry, shall open on signal; except that, during the non-shrimping season of 22 December to a date around 25 May, as set by the state yearly, the draw shall open on signal if at least four hours notice is given.

[CGD 85-040, 50 FR 19527, May 9, 1985]

§ 117.460 La Carpe Bayou.

The draw of the S661 bridge, mile 7.5, shall open on signal, except that the draw need not be opened for the passage of vessels Monday through Friday except holidays from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m.

§ 117.461 Lacassine Bayou.

The draws of the S14 bridge, mile 17.0, and the Southern Pacific railroad bridge, mile 20.4, both near Hayes, shall open on signal if at least 24 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

§ 117.463 Lacombe Bayou.

The draw of the US190 bridge, mile 6.8 at Lacombe, shall open on signal if at least 48 hours notice is given.

§ 117.465 Lafourche Bayou.

(a) The draws of the S3220 bridge, mile 49.2 near Lockport, and the S655 bridge, mile 50.8 at Lockport, shall open on signal; except that, from 6 p.m. to 10 a.m. the draws shall open on signal if at least four hours notice is given. During the advance notice period, the draws shall open on less than four hours notice for an emergency and shall open on demand.

should a temporary surge in waterway traffic occur.

(b) The draw of the S364 bridge, mile 54.2 at Mathews, shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(c) The draws of the S3199 bridge, mile 58.2, and the Lafourche Parish bridge, mile 58.7, both at Raceland, and the S649 bridge, mile 66.1 at Lafourche, shall open on signal if at least six hours notice is given.

(d) The draws of the Southern Pacific railroad bridge, mile 69.0 at Lafourche, shall open on signal if at least 48 hours notice is given.

(e) The draws of the S20 bridge, mile 73.4 at Thibodaux, and all bridges upstream of the S20 bridge need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 08-04-12, 50 FR 23305, June 3, 1985; CGD 85-17, 51 FR 2395, Jan. 14, 1986]

§ 117.467 Lake Pontchartrain.

(a) The south draw of the S11 bridge near New Orleans shall open on signal if at least 48 hours notice is given. In case of emergency, the draw shall open within 12 hours and shall be kept in condition for immediate operation until the emergency is over.

(b) The draws of the Greater New Orleans Expressway Commission causeway, north bascule spans, shall open on signal if at least three hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 89-02, 55 FR 13522, Apr. 11, 1990]

§ 117.469 Liberty Bayou.

The draw of the S433 bridge, mile 1.0 at Slidell, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.471 Little Black Bayou.

The draw of the Southern Pacific railroad bridge, mile 1.3 at Southdown, need not be opened for the passage of vessels.

§ 117.473 Little River.

The draw of the Louisiana and Arkansas railroad bridge, mile 12.1 at Archie, shall open on signal if at least 12 hours notice is given.

§ 117.475 Little (Petit) Caillou Bayou.

(a) The draws of the S58 bridge, mile 25.7 at Sarah, and the Terrebonne Parish (Smithridge) bridge, mile 26.6 near Montegut, shall open on signal; except that, from 9 p.m. to 5 a.m., the draws shall open on signal if at least 12 hours notice is given.

(b) The draws of the Terrebonne Parish (DuPlantis) bridge, mile 29.9 near Bourg, and the S24 bridge, mile 33.7 at Presquille, shall open on signal if at least four hours notice is given. The draws shall open on less than four hours notice for an emergency, and shall open on signal should a temporary surge in waterway traffic occur.

[CGD 86-02, 51 FR 31113, Sept. 2, 1986]

§ 117.477 Lower Atchafalaya River.

The draw of the St. Mary Parish bridge, mile 26.8 at Patterson, shall open on signal from 5 a.m. to 9 p.m. From October 1 through January 31 from 9 p.m. to 5 a.m., the draw shall open on signal if at least three hours notice is given. From February 1 through September 30 from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

§ 117.478 Lower Grand River.

The draw of the S997 bridge, mile 41.5 (Landside Route) at Pigeon, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

[CGD 08-04-07, 50 FR 24195, June 10, 1985]

§ 117.479 Macon Bayou.

The draw of the S4 bridge, mile 44.8 near Winnsboro, shall open on signal if at least 24 hours notice is given.

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§ 117.480 Mermentau River.

The draw of the S82 bridge, mile 7.1 at Grand Chenier, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw will open on less than four hours notice for an emergency and will open on demand should a temporary surge in waterway traffic occur.

[CGD 08-84-11, 50 FR 23304, June 3, 1985]

§ 117.481 Milhomme Bayou.

The draw of the St. Martin Parish bridge, mile 12.0 (Landside Route) at Stephenville, shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least two hours notice is given. During the advance notice period, the draw shall open on less than two hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

[CGD 86-04, 51 FR 36224, Oct. 9, 1986]

§ 117.482 Nezigue Bayou.

The draw of the S97 bridge, mile 7.0 near Jennings, shall open on signal if at least 48 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984. Redesignated by CGD 86-04, 51 FR 36224, Oct. 9, 1986]

§ 117.483 Ouachita River.

The draws of the S8 bridge, mile 57.5 at Harrisonburg, and the US165 bridge, mile 110.1 at Columbia, shall open on signal if at least one hours notice is given.

§ 117.485 Patout Bayou.

The draw of the S83 bridge, mile 0.4 near Weeks, shall open on signal if at least four hours notice is given.

[CGD 08-84-05, 50 FR 1213, Jan. 10, 1985]

§ 117.486 Pierre Pass.

The draw of the S70 bridge, mile 1.0 at Pierre Part, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on

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demand should a temporary surge in waterway traffic occur.

[CGD 08-84-07, 50 FR 24195, June 10, 1985]

§ 117.487 Plaquemine Bayou.

(a) The draw of the S3066 (Spur) bridge, mile 6.5 at Indian Village, shall open on signal if at least four hours notice is given.

(b) The draws of the Texas and Pacific railroad bridge, mile 10.5 at Plaquemine, and the S1 bridge, mile 10.5 at Plaquemine, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 08-84-01, 49 FR 26661, July 12, 1984]

§ 117.488 Pearl River.

The draws of the Seaboard System Railroad bridge, mile 1.0 near English Lookout, and the US 90 Highway bridge, mile 8.8 near Pearlinton, shall open on signal; except that, from 9 p.m. to 5 a.m. the draws shall open on signal if at least four hours notice is given. During the advance notice period, the draws shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

[CGD 8-85-15, 50 FR 46647, Nov. 12, 1985]

§ 117.489 Plaquemine Brule Bayou.

(a) The draw of the Southern Pacific railroad bridge, mile 5.1 near Midland, shall open on signal if at least 24 hours notice is given.

(b) The draw of the S91 bridge, mile 8.0 at Estherwood, shall open on signal from 5 a.m. to 9 p.m. if at least four hours notice is given. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§ 117.491 Red River.

(a) The draws of all bridges from mile 66.0 through mile 283.1 shall open on signal if at least 48 hours notice is given. The draws of the bridges need not be opened for a vessel that arrives at any of these bridges more than two hours after the time specified in the notice, unless a second notice of at least 48 hours is given.

(b) The draws of the bridges above mile 263.1 need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37381, Sept. 24, 1984]

§ 117.493 Sabine River.

The draws of the Southern Pacific railroad bridge, mile 19.3 near Echo, the Kansas City Southern railroad bridge, mile 36.2 near Ruliff, and the ST bridge, mile 40.8 at Starks, shall open on signal if at least 24 hours notice is given.

§ 117.494 Schooner Bayou Canal.

The draw of the S82 bridge, mile 4.0 from White Lake at Little Prairie Ridge, shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given. The draw shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

[CGD 8-85-11, 50 FR 37175, Sept. 12, 1985]

§ 117.495 Superior Oil Canal.

The draw of the S82 bridge mile 6.3 in Cameron Parish, shall open on signal; except that, from 6 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw will open on less than four hours notice for an emergency and will open on demand should a temporary surge in waterway traffic occur.

[CGD 08-84-11, 50 FR 23304, June 3, 1985]

§ 117.497 Stumpy Bayou.

The removable span of the Louisiana highway bridge, mile 1.0 near Weeks Island, shall be removed for the passage of vessels if at least six days notice is given.

§ 117.499 Tante Phine Pass.

The draw of the Tidewater Associated Oil Company bridge, mile 7.6 near Venice, shall open on signal if at least 24 hours notice is given.

§ 117.500 Tchefuncta River.

The draw of the SR 22 bridge, mile 25 at Madisonville, shall open on

signal; except that, from 5 a.m. to 8 p.m., the draw need open only on the hour and half-hour. The draw shall open on signal at any time for a vessel in distress or for an emergency aboard a vessel.

[CGD 88-15, 53 FR 46871, Nov. 21, 1988]

§ 117.501 Teche Bayou.

(a) The draws of the following bridges shall open on signal if at least four hours notice is given:

- (1) St. Mary Parish bridge, mile 3.9 at Calumet.
- (2) St. Mary Parish bridge, mile 11.8 at Centerville.
- (3) S3069 bridge, mile 16.3 at Franklin.
- (4) S322 bridge, mile 17.2 at Franklin.
- (5) S323 bridge, mile 22.3 at Oaklawn.
- (6) St. Mary Parish bridge, mile 27.0 at Baldwin.
- (7) S324 bridge, mile 32.5 at Charenton.
- (8) S670 bridge, mile 37.0 at Adeline.
- (9) St. Mary Parish bridge, mile 38.9 at Sorrel.
- (10) S671 bridge, mile 41.8 at Jeanerette.
- (11) S3182 bridge, mile 43.5 at Jeanerette.
- (12) LSU Agri bridge, mile 46.5 near Jeanerette (notice required for opening from 7 a.m. to 5 p.m., Monday through Friday except holidays).
- (13) S320 bridge, mile 48.7 at Olivier.
- (14) S3195 bridge, mile 50.4 at New Iberia.
- (15) S87 Spur bridge, mile 52.5 at New Iberia.
- (16) S86 bridge, mile 53.0 at New Iberia.
- (17) S3156 bridge, mile 53.3 at New Iberia.
- (18) S44 bridge, mile 56.7 at Morbihan.
- (19) Iberia Parish bridge, mile 58.0 at New Iberia.
- (20) Iberia Parish bridge, mile 60.7 at Vida.
- (21) S344 bridge, mile 62.5 at Loreauville.
- (22) S86 bridge, mile 69.0 at Daspit.
- (23) S92 bridge, mile 73.3 at St. Martinville.

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(b) The draws of the S96 bridge, mile 75.2 at St. Martinville, the Southern Pacific Transportation Company railroad/vehicular bridge, mile 77.7 at Levert, and the S350 bridge, mile 82.0 at Parks, shall open on signal if at least 24 hours notice is given.

(c) The draws of the S351 bridge, mile 87.5 at Ruth, the S31 bridge, mile 90.5 at Breaux Bridge, and the Southern Pacific railroad bridge, mile 91.0 at Breaux Bridge, shall open on signal if at least 48 hours notice is given.

(d) The draws of the bridges listed in paragraph (a) of this section shall open on less than four hours notice for an emergency during the advance notice period, and shall open on signal should a temporary surge in waterway traffic occur.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 08-83-04, 49 FR 35936, Sept. 13, 1984; CGD 8-85-16, 50 FR 50164, Dec. 9, 1985; CGD8-86-09, 52 FR 3225, Feb. 3, 1987; CGD8-89-12, 54 FR 53056, Dec. 27, 1989]

§ 117.503 Tensas River.

(a) The draw of the Missouri Pacific railroad bridge, mile 27.2 at Clayton, shall open on signal from May 1 through December 31 during normal river stages if at least 12 hours notice is given to the Dispatcher, Missouri Pacific Railroad, Little Rock, Arkansas. During high-water periods, the District Commander may require that the bridge be constantly tended and the draw opened on signal.

(b) The draws of the S15 bridge, mile 27.3 at Clayton, and the S128 bridge, mile 61.0 at New Light, shall open on signal if at least 48 hours notice is given.

§ 117.505 Terrebonne Bayou.

(a) The draw of the S58 bridge, mile 22.2 at Montegut, shall open on signal; except that from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given.

(b) The draw of the S24 bridge, mile 31.3 at Presquille, need not be opened for the passage of vessels.

(c) The draw of the S3087 bridge, mile 33.9 at Houma, shall open on signal; except that, from 5 p.m. to 9 a.m. the draw shall open on signal if at least four hours notice is given.

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(d) The draw of the Daigville bridge, mile 35.5 at Houma, shall open on signal; except that, the draw need not open for passage of vessels Monday through Friday except holidays from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m. From 10 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given.

(e) During advance notice periods, the draws of the bridges listed in this section shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 08-84-09, 50 FR 7380, Feb. 25, 1985; CGD8-89-02, 54 FR 27842, June 30, 1989; CGD8-89-02, 54 FR 34789, Aug. 22, 1989]

§ 117.506 Tickfaw River.

The draw of the S22 bridge, mile 7.2 at Killian, shall open on signal, except that, from 11 p.m. to 7 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

[CGD 8-85-14, 50 FR 43134, Oct. 24, 1985]

§ 117.507 Tigre Bayou.

The draw of the S330 bridge, mile 2.3 near Delcambre, shall open on signal if at least four hours notice is given. The draw shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

[CGD 8-85-08, 50 FR 52774, Dec. 26, 1985]

§ 117.509 Vermilion River.

(a) The draw of the S82 bridge, mile 22.4 at Perry, shall open on signal except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given.

(b) The draws of the following bridges shall open on signal; except that, from 6 p.m. to 10 a.m. the draw shall open on signal if at least four hours notice is given:

(1) S14 bridge, mile 25.1 at Abbeville

(2) S14 Bypass bridge, mile 26.0 at Abbeville.

(3) Vermillion Parish bridge, mile 36.3 near Milton.

(4) S92 bridge, mile 37.6 at Milton.

(e) The draws of the following bridge shall open on signal if at least four hours notice is given:

(1) ST33, mile 41.0 at Eloi Broussard.

(2) S3073 bridge, mile 44.9 at New Flanders.

(3) S182 bridge, mile 49.0 at Lafayette.

(d) During the advance notice periods, the draws of the bridges listed in this section shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 08-83-05, 49 FR 31868, Aug. 9, 1984; CGD 8-85-13, 50 FR 40832, Oct. 7, 1985]

§ 117.511 West Pearl River.

(a) The draw of the Southern Railway bridge, mile 22.1 at Pearl River Station, shall open on signal if at least six hours notice is given.

(b) The draw of the US 90 bridge, mile 7.9 near Pearlinton, shall open on signal if at least four hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 08-84-03, 49 FR 47231, Dec. 3, 1984]

MAINE

§ 117.521 Back Cove.

The draw of the Canadian National railroad bridge, mile 0.2 at Portland, need not be opened for the passage of vessels. The draw shall be returned to operable condition within six months after notification from the District Commander to do so.

§ 117.523 Back River.

The draw of the Maine Department of Transportation highway bridge, mile 4.6 between Hodgdon and Bartons Island at Boothbay, shall open on signal from June 1 through October 31; except that, from 5 p.m. to 8 a.m., the draw shall be opened on signal if notice was given to the drawtender from 8 a.m. to 5 p.m. From November

1 through May 31 the draw shall open on signal if at least 24 hours notice is given to the drawtender or to the Maine Department of Transportation at Augusta.

§ 117.524 Fore River.

(a) The owners of the I-295 bridge, mile 3.4 between Portland and South Portland, shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be placed on the bridge so that they are plainly visible to the operator of a vessel approaching the bridge either up or downstream.

(b) Operators of vessels which can pass under the bridge with a vertical safety margin of two feet or more above the vessel shall not signal for the opening of the draw. In case the operator gives the prescribed signal and the drawtender is uncertain as to whether the vessel can safely pass, the drawtender shall open the draw. If the drawtender finds that there would have been a safety margin of two feet or more above the vessel had the draw remained closed, the matter shall be reported immediately to the District Commander, giving the name of the vessel, the time of opening the draw, the vertical clearance under the bridge as indicated by the gage at the time of opening the draw, and the approximate vertical clearance required by the vessel.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended at 49 FR 43460, Oct. 29, 1984]

§ 117.525 Kennebec River.

(a) The draw of the Carlton (US 1) highway-railroad bridge, mile 14.0 between Bath and Woolwich shall open as follows:

(1) On signal as soon as possible at all times for vessels owned or operated by the United States Government, State and local vessels used for public safety, vessels in distress, and inbound loaded commercial fishing vessels.

(2) Year-round the draw need not open from 6:30 a.m. to 7:30 a.m. and from 3:45 p.m. to 5:30 p.m. Monday to Friday excluding holidays except for

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vessels noted in paragraph (a)(1) of this section.

(3) Trains and locomotives shall be controlled so that any delay in opening the draw shall not exceed ten minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(4) From June 1 through September 30:

(i) On signal at all times for commercial vessels except as noted in paragraph (a)(2) of this section;

(ii) For recreational vessels on signal except that from 6 a.m. to 6 p.m. need open only at 10 a.m. and 2 p.m., except as noted in paragraph (a)(1) of this section.

(5) From April 15 through May 30, and October 1, through November 15, open on signal:

(i) From 3 a.m. to 7 p.m., except as noted in paragraph (a)(2) of this section;

(ii) From 7 p.m. to 3 a.m. if four hours notice is given, except as noted in paragraph (a)(1) of this section.

(6) From February 15 through April 14 and November 16 through December 15 at all times on signal, except as noted in paragraphs (a)(1) and (a)(2) of this section, if at least four hours notice is given.

(7) From December 16 through February 14 open on signal, except as noted in paragraphs (a)(1) and (a)(2) of this section, if 24 hours notice is given.

(b) The owners of Carlton (US 1) bridge shall provide and keep in good legible condition clearance gauges for the draw and the designated navigable fixed span with figures not less than 18 inches high designed, installed and maintained according to the provisions of § 118.160 of this chapter.

[CGD1-89-077, 55 FR 11182, Mar. 27, 1990]

§ 117.527 Kennebunk River.

The draw of the Maine Dock Square highway bridge, mile 1.0 between Kennebunk and Kennebunkport, shall open on signal from April 15 through October 15; except that, from 5 p.m. to 7 a.m., the draw shall open on signal if

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notice is given to the drawtender from 7 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least 24 hours notice is given to the Maine Department of Transportation, Division Office at Scarborough.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.529 Narragagus River.

The draw of the highway bridge, mile 1.8 at Milbridge, shall open on signal if at least 24 hours notice is given to the Maine State Highway Commission, Division Office at Ellsworth.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.531 Piscataqua River

(a) The following requirements apply to all bridges across the Piscataqua River:

(1) Public vessels of the United States, state and local vessels used for public safety, vessels in distress, commercial vessels over 100 gross tons, inbound ferry service vessels and inbound commercial fishing vessels shall be passed through the draws of each bridge as soon as possible without delay at any time. The opening signal from these vessels is four or more short blasts of a whistle, horn or a radio request.

(2) The owners of these bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 18 inches high designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(3) Trains and locomotives shall be controlled so that any delay in opening the draw shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(4) Except as provided in paragraph (b) through (c) of this section the draws shall open on signal.

(b) The draw of the Memorial (US 1) bridge, mile 3.5, shall open on signal except that from 15 May through

October, from 7 a.m. to 7 p.m., the draw need be opened only on the hour and half hour for recreational vessels and commercial vessels less than 100 gross tons except as provided in (a)(1).

(c) The draw of the Sarah M. Long (Route 1 Bypass) bridge, mile 4.0, shall open as follows:

(1) The main ship channel draw shall open on signal; except that from 15 May through 31 October, from 7 a.m. to 7 p.m., the draw need be opened only at quarter of and quarter after the hour for recreational vessels and commercial vessels less than 100 gross tons except as provided in (a)(1).

(2) The secondary recreation draw shall be left in the fully open position from 15 May through 31 October except for the crossing of a train in accordance with (a)(3) above.

[CGD1-89-111, 55 FR 13275, Apr. 10, 1990]

§ 117.532 Presumpscot River.

The draw of the highway bridge, mile 0.0 at Martin Point, Portland, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 43460, Oct. 29, 1984]

§ 117.533 Sheepscot River.

The draws of the Maine highway bridge, mile 14, and the Maine Central railroad bridge, mile 15.0, both between Wiscasset and North Edgcomb, need not be opened for the passage of vessels. The draw of the Maine Central railroad bridge shall be returned to operable condition within six months after notification by the District Commander to do so.

§ 117.535 Taunton River.

The draw of the Maine highway bridge, mile 4.3 between Hancock and Sullivan, need not be opened for the passage of vessels.

MARYLAND

§ 117.541 Baltimore Harbor—Patapsco River.

(a) The draw of the Hanover Street bridge, mile 12.0 across the Middle Branch of the Patapsco River at Baltimore, shall open on signal from 5 a.m. to 6:30 a.m., 9:30 a.m. to 4 p.m., and 6 p.m. to 9:00 p.m. The draw need not be

opened from 6:30 a.m. to 9:30 a.m. and 4 p.m. to 6 p.m.; however, fire boats, police boats, and other vessels engaged in emergency operations shall be passed immediately during this period. When a vessel desires to pass the draw from 9 p.m. to 5 a.m., notice shall be given to the superintendent of the bridge, either at the bridge before 9 p.m. or at the superintendent's residence after 9 p.m. If the notice is given from 5 a.m. to 9 p.m. or if at least one half hour has elapsed since the notice was given, the draw shall open promptly at the time requested.

(b) The draw of the Western Maryland railroad bridge, mile 12.5 across the Middle Branch of the Patapsco River at Baltimore, shall open on signal from 7 a.m. to 12 noon and 1 p.m. to 4 p.m. Monday through Friday except legal holidays. At all other times, the draw shall open if at least six hours notice is given. Marine firefighting equipment and pollution control vessels shall be passed as soon as possible but in no event more than 15 minutes after notice is given.

§ 117.543 Bear Creek.

(a) The draws of the Baltimore County Revenue Authority (Dundalk Avenue) highway toll bridge, mile 1.5, and the Peninsula Parkway bridge, mile 2.1, both between Dundalk and Sparrows Point, shall open on signal; except that, from April 16 through November 15 from 12 midnight to 8 a.m. except Saturdays, Sundays, and Federal and State holidays, at least one half hour notice is required.

(b) The draw of the Baltimore County highway bridge, mile 3.4 at Wise Avenue between Dundalk and Sparrows Point, shall open on signal if at least four hours notice is given.

§ 117.545 Bohemia River.

(a) The draw of the S213 bridge, mile 4.0 at Cayots, shall open on signal from May 30 through September 30 on Saturdays, Sundays, and Federal and State holidays; from May 30 through September 30, Monday through Friday; and from October 1 through May 29 from 7 a.m. Monday through 7 p.m. Friday if at least three hours notice is given. From October 1

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through May 29 from 7 p.m. Friday through 7 a.m. Monday, the draw need not be opened unless the request is made before 7 p.m. Friday.

§ 117.547 Bush River.

The draw of the Amtrak bridge, mile 6.8 at Perryman, operates as follows:

(a) When notice under paragraph (b) of this section is given, the draw shall open twice a day—

(1) From May 1 through September 30, on each Saturday, Sunday, and Federal holiday falling on a Friday or a Monday; and

(2) In October, on the Saturday and Sunday of one weekend.

(b) Notice of the need for an opening is given to the Amtrak Assistant Transportation Superintendent at 301-291-4278 by an authorized representative of the Bush River Yacht Club by noon on the Friday just preceding the day of opening or, if that Friday is a Federal holiday, by noon on the preceding Thursday.

(c) Amtrak determines the times for openings and shall schedule the times—

(1) During daylight hours;

(2) Six to ten hours apart; and

(3) One opening before noon and one after noon.

(d) Amtrak shall notify a representative of the Yacht Club of the times of all openings for the weekend (or extended weekend) in question by 6 p.m. on the Friday just preceding the weekend or, if that Friday is a Federal holiday, by 6 p.m. on the preceding Thursday.

(e) Each opening shall be of sufficient duration to pass waiting vessels.

[CGD 5-85-01, 50 FR 18480, May 1, 1985]

§ 117.549 Cambridge Harbor.

The draw of the S342 bridge, mile 0.1 at Cambridge, shall open on signal from 6 a.m. to 8 p.m.; except that, from 12 noon to 1 p.m. Monday through Friday, the draw need not be opened. The draw need not be opened from 8 p.m. to 6 a.m.

§ 117.551 Chester River.

The draw of the S213 bridge, mile 26.8 at Chestertown, shall open on signal from April 1 through September 30 from 6 a.m. to 6 p.m. At all other

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times, the draw shall open on signal if at least six hours notice is given.

§ 117.553 Choptank River.

The draw of the Conrail bridge, mile 50.9 at Denton, shall open on signal from May 30 through September 30 from sunrise to sunset and at all other times if at least four hours notice is given.

§ 117.555 College Creek.

The draws of the Naval Academy highway bridge, mile 0.3 at Annapolis, and the Maryland highway bridge, mile 0.4 at Annapolis, need not be opened for the passage of vessels.

§ 117.557 Curtis Creek.

The draw of the I695 bridge, mile 0.9 at Baltimore, shall open on signal if at least a one-hour notice is given to the Maryland Transportation Authority in Baltimore.

§ 117.559 Isle of Wight Bay.

The draw of the US50 bridge, mile 0.5 at Ocean City, shall open on signal; except that, from October 1 through April 30 from 6 p.m. to 6 a.m., the draw shall open if at least three hours notice is given and, from May 25 through September 15 from 9:25 a.m. to 9:55 p.m., the draw shall open at 25 minutes after and 55 minutes after the hour for a maximum of five minutes to permit accumulated vessels to pass.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.561 Kent Island Narrows

The draw of the U.S. Route 50/301 bridge, mile 1.0, Kent Island Narrows, operates as follows:

(a) From November 1 through April 30, the draw shall open on signal from 6 a.m. to 6 p.m. but need not be opened from 6 p.m. to 6 a.m.

(b) From May 1 through October 31:

(1) On Monday (except when Monday is a holiday) through Thursday (except when Thursday is the day before a Friday holiday), the draw shall open on signal on the hour from 7 a.m. to 7 p.m., but need not be opened at any other time.

(2) On Friday (except when Friday is a holiday) and on Thursday when it is

the day before a Friday holiday, the draw shall open on signal on the hour from 6 a.m. to 3 p.m. and at 8 p.m., but need not be opened at any other time.

(3) On Saturday and on a Friday holiday, the draw shall open on signal at 6 a.m. and 12 noon and on signal on the hour from 3 p.m. to 8 p.m., but need not be opened at any other time.

(4) On Sunday and on a Monday holiday, the draw shall open on signal on the hour from 6 a.m. to 1 p.m. and at 3:30 p.m., but need not be opened at any other time.

(5) The draw shall open at scheduled opening times only if vessels are waiting to pass. At each opening, the draw shall remain open for a sufficient period of time to allow passage of all waiting vessels.

(6) If a vessel is approaching the bridge and cannot reach the bridge exactly on the hour, the drawtender may delay the hourly opening up to ten minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(c) The draw shall open on signal for public vessels of the United States, State, or local government vessels used for public safety purposes, commercial vessels, and vessels in distress.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD5-87-055, 53 FR 9888, Mar. 26, 1988]

§ 117.563 Marshyhope Creek.

The draw of the S14 bridge, mile 5.8 at Brookview, need not be opened for the passage of vessels. The operating machinery shall be maintained in a serviceable condition.

§ 117.565 Miles River.

The draw of the S370 bridge, mile 10.0 at Easton, shall open on signal from sunrise to sunset. A vessel wishing to pass through the draw between sunset and sunrise shall notify the drawtender of the time at which it is desired to pass and the draw shall open as close to the time requested as practicable.

§ 117.567 Patuxent River.

The draw of S231 bridge, mile 18.5 at Benedict, shall open on signal; except that, from 6 p.m. to 6 a.m., the draw shall open on signal if notice is given,

to the Toll Captain at the Administration Building at the east end of the bridge before 6 p.m.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.569 Pocomoke River.

(a) The Conrail railroad bridge, mile 15.2, at Pocomoke City, shall open on signal, except between November 1 and March 31 the draw must open only if at least five hours advance notice is given.

(b) The draw of the Route 675 bridge, mile 15.6, at Pocomoke City, shall open on signal, except between November 1 and March 31 the draw must open only if at least five hours advance notice is given.

(c) The draw of the S12 bridge, mile 29.9, at Snow Hill, shall open on signal if at least five hours advance notice is given.

[CGD5-87-063, 53 FR 16548, May 10, 1988]

§ 117.571 Spa Creek.

The S181 bridge, mile 4.0, at Annapolis, Maryland:

(a) From May 1 to October 31, Monday through Friday, except Federal and State holidays:

(1) The draw shall remain closed from 7:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 7:30 p.m., except the draw shall open at 6:00 p.m. and 7:00 p.m. for any vessels waiting to pass.

(2) The draw shall open on the hour and the half-hour, from 9:00 a.m. to 4:30 p.m.

(3) The draw shall open on signal from 7:30 p.m. to 7:30 a.m.

(b) From November 1 to April 30, Monday through Friday, except Federal and State holidays:

(1) The draw shall remain closed from 7:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 6:00 p.m.

(2) The draw shall open on signal from 9:00 a.m. to 4:30 p.m. and from 6:00 p.m. to 7:30 a.m.

(c) On Saturdays, Sundays, and holidays year-round, the draw shall open on the hour and half-hour for vessels waiting to pass.

(d) The draw shall always open on signal for public vessels of the United States, or local vessels used for public

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safety, tugs with tows, and vessels in distress.

[CGD5-90-002, 55 FR 4804, Feb. 9, 1990]

§ 117.573 Stoney Creek.

The draw of the S173 bridge, mile 0.9 at Riviera Beach, shall open on signal; except that, from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday except Federal and State holidays, the draw need be opened only at 7:30 a.m. and 5 p.m. if any vessels are waiting to pass. Public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

§ 117.575 Susquehanna River.

The draw of the Conrail bridge, mile 1.0 at Havre de Grace, shall open on signal if at least 24 hours notice is given.

§ 117.577 Weems Creek.

The draw of the S437 bridge, mile 0.7 at West Annapolis, shall open on signal from sunrise to sunset from May 1 through September 30. At all other times, the draw shall open on signal if at least five hours notice is given.

§ 117.579 Wicomico River (North Prong).

The draw of the Main Street (US50) bridge, mile 22.4 at Salisbury, shall open on signal; except that, from 8 a.m. to 9 a.m., 12 noon to 1 p.m., and 4:30 p.m. to 5:30 p.m., the draw need not be opened for the passage of vessels.

MASSACHUSETTS

§ 117.585 Acushnet River.

(a) The drawspan will be opened promptly, provided proper signal is given, on the following schedule:

(1) On the hour between 6:00 a.m. and 10:00 a.m. inclusive;

(2) At a quarter past the hour between 11:15 a.m. and 6:15 p.m. inclusive.

(3) At all other times on call.

(b) The draw will be opened at any time for vessels whose draft exceeds 15 feet, for vessels owned or operated by

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the U.S. Government, the State of Massachusetts, or by local authorities.

(c) Each opening of the draw, from the time vehicular traffic flow is stopped until the flow resumes, shall not exceed 15 minutes except for vessels whose draft exceeds 15 feet or in extraordinary circumstances.

(d) The Massachusetts Department of Public Works shall keep posted in a conspicuous location on the upstream and downstream sides of the bridge, where it can be read easily at any time, a copy of the regulations in this subpart.

[CGD 1-84-10R, 49 FR 36841, Sept. 20, 1984]

§ 117.587 Apponaganset River.

The draw of the Padanarum highway (Gulf Road) bridge, mile 1.0 at South Dartmouth, shall open on signal from May 1 through October 31 from sunrise to 7:30 a.m., 9:30 a.m. to 11:30 a.m., 1 p.m. to 4:30 p.m., and 6:30 p.m. to one hour after sunset. At all other times, the draw shall open on signal if at least six hours notice is given. Public vessels of the United States and state and local vessels used for public safety shall be passed as soon as possible. Mooring facilities shall be maintained on bridge piers or fenders for vessels to make fast to while waiting for the draw to open.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.589 Cape Cod Canal.

The draw of the Conrail railroad bridge, mile 0.7 at Bourne, shall operate as follows:

(a) The draw is normally in the fully open position except for the passage of trains or for maintenance. No signal is required if the draw is in the fully open position.

(b) If the draw is not in the fully open position, the opening signal is one prolonged and one short blast.

(c) Signals to be sounded from the bridge are—

(1) Immediately preceding the opening of the draw, one prolonged blast;

(2) Immediately preceding the closing of the draw, two prolonged blasts;

(3) When a vessel has sounded the opening signal and the draw cannot be

opened immediately, five short blasts in a rapid succession; and

(4) When the draw is closed and visibility is reduced in foggy weather, five short blasts in rapid succession every two minutes.

§ 117.591 Charles River.

(a) The following requirements apply to all drawbridges listed in this section:

(1) The opening signal is two prolonged blasts followed by two short blasts. During a scheduled closed period, the opening signal for vessels entitled to pass at that time is four prolonged blasts. The acknowledging signal when the draw can be opened is three prolonged blasts. The acknowledging signal when the draw cannot be opened or is open and must be closed is two prolonged blasts.

(2) Public vessels of the United States and state and local vessels used for public safety shall be passed as soon as possible.

(3) When high tide occurs at the Charlestown Navy Yard within 45 minutes before or after 6:15 a.m. to 8:10 a.m., the draws shall open for no longer than a 10 minute period for vessels which draw more than 12 feet of water. Once a vessel has begun passage, it shall be passed through each bridge, in turn, until it reaches its destination.

(b) The draw of the Charlestown bridge, mile 0.4 at Boston, need not be opened for the passage of vessels.

(c) The draws of the Massachusetts Bay Transportation Authority railroad bridge, mile 0.8 at Boston, shall open on signal; except that from 6:15 a.m. to 9:10 a.m. and 4:15 p.m. to 6:30 p.m., excluding Sundays and legal holidays observed in the locality, the draws need not be opened for the passage of vessels.

(d) The draw of the Massachusetts Bay Transportation Authority (East Cambridge Viaduct) railroad bridge, mile 1.0 at Boston, need not be opened for the passage of vessels. However, the operating machinery of the draw shall be maintained in an operable condition.

(e) The draw of the Metropolitan District Commission bridge, mile 1.0 at Boston, shall open on signal; except

that, from 6:15 a.m. to 9:10 a.m. and 3:15 p.m. to 6:30 p.m., excluding Sundays and legal holidays observed in the locality, the draw need be not opened for the passage of vessels.

(f) The draw of the Commercial Avenue bridge across Lechmere Canal, mile 0.0 at Boston, need not be opened for the passage of vessels.

(g) The draw of the First Street bridge across Broad Canal, mile 0.0 at Boston, shall open on signal from October 1 through May 31; except that, from Monday through Friday except holidays from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., the draws need not be opened. From June 1 through September 30, the draw shall open on signal if at least 12 hours notice is given.

(h) The draws of the bridges across Broad Canal need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 1-85-10R, 51 FR 1510, Jan. 14, 1986]

§ 117.593 Chelsea River.

All drawbridges across the Chelsea River shall open on signal. The opening signal for each drawbridge is two prolonged blasts followed by two short blasts and one prolonged blast. The acknowledging signal is three prolonged blasts when the draw can be opened immediately and is two prolonged blasts when the draw cannot be opened or is open and must be closed.

§ 117.595 Danvers River.

(a) The draws of the SR1A bridge, mile 0.0, the Boston and Maine railroad bridge, mile 0.0, and the Essex County bridge, mile 1.0 all at Salem, shall open on signal; except that, from 12 midnight to 8 a.m., the draws shall open as soon as possible after notice is given to the drawtenders either at the bridges during the time the operators are on duty or at their residences after that time.

(b) From June 1 through October 31 the draw of the route SR1A bridge will not be opened between 11:30 a.m. and 1:00 p.m.

[CGD 1-84-7, 49 FR 27748, July 6, 1984]

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§ 117.597 Dorchester Bay.

The draw of the William T. Morrissey Boulevard bridge, mile 0.0 at Boston, shall open on signal from April 16 through October 14; except that the draw need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m. except on Saturdays, Sundays, or holidays observed in the locality. From October 15 through April 15, the draw shall open on signal if at least 24 hours notice is given. Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

§ 117.598 Eel Pond Channel.

The following requirements apply to the draw of Eel Pond (Water Street) drawbridge at mile 0.0 at Falmouth, Massachusetts.

(a) The draw shall open at all times as soon as possible for a public vessels of the United States, State or local vessels used for public safety, and vessels in distress. The opening signal for these vessels shall be four or more short blast of a whistle, horn, or radio request.

(b) The owners of this bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provisions of section 118.160 of this chapter.

(c) The draw shall operate as follows:

(1) On signal from October 15 through May 14, from 8 a.m. to 5 p.m. except as provided in paragraph (c)(3)(i) of this section.

(2) Need open on signal only on the hour and half hour as follows:

(i) From May 15 through June 14 and from September 16 through October 14, from 7 a.m. to 7 p.m.

(ii) From June 15 through September 15, from 6 a.m. to 9 p.m.

(3) The draw shall open on signal if at least 8 hours advance notice is given:

(i) At all times on Christmas, New Years, Easter and all Sundays in January and February.

(ii) At all other times not stipulated in paragraphs (c)(1) and (c)(2) of this section.

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[CGDI 90-024, 55 FR 20263, May 16, 1990]

§ 117.599 Fort Point Channel.

(a) The draw of the Northern Avenue bridge, mile 0.1 at Boston, shall open on signal; except that, from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday except holidays, the draw need not be opened for vessels with a draft of less than 18 feet. From 8 p.m. to 6 a.m., the draw need not be opened for the passage of vessels. Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(b) The draws of the Congress Street bridge, mile 0.3, and the Summer Street bridge, mile 0.4, both at Boston, need not be opened for the passage of vessels. However, the draws shall be returned to operable condition within six months after notification by the District Commander to do so.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.601 Malden River.

The draw of the S16 bridge, mile 0.3 between Medford and Everett, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.603 Manchester Harbor.

The draw of the Boston and Maine railroad bridge, mile 1.0 at Manchester, shall open on signal from April 1 through November 1 from 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m. At all other times, at least two hours notice is required from 6:45 a.m. to 3:45 p.m. and at least five hours notice is required from 3:45 p.m. to 6:45 a.m. The notice is given to the Chief Dispatcher, Boston and Maine Railroad, Boston.

§ 117.605 Merrimack River.

(a) The draw of the US1 bridge, mile 3.4 at Newburyport, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 8 a.m. to 5 p.m. At all other times, the draws shall open if at least a one-hour notice is given. Public vessels of the United States and state or local vessels used

for public safety shall be passed through the draw as soon as possible.

(b) The draw of the Boston and Maine railroad bridge, mile 3.4 at Newburyport, is normally maintained in the fully open position. When the draw is in the closed position, a drawtender shall be on duty and the draw shall open on signal.

(c) The draws of the Massachusetts Department of Public Works bridges, mile 5.8 at Newburyport and mile 12.6 at Rock Village, and Groveland bridge, mile 16.5 at Groveland, shall open on signal if at least two hours notice is given. Public vessels of the United States and state or local vessels used for public safety shall be passed through the draw as soon as possible.

§ 117.607 Mitchell River.

The draw of the Chatham highway bridge, mile 0.2 at Chatham, shall open on signal from May 1 through October 31 from 8 a.m. to 4 p.m. if at least one hour notice is given, and from 4 p.m. to 8 a.m. if at least 12 hours notice is given. From November 1 through April 30, the draw shall open on signal if at least 24 hours notice is given. Notice is given to the duty officer at the Chatham Police Department Headquarters.

§ 117.609 Mystic River.

(a) The draws of the S99 bridge, mile 1.4, and the Boston and Maine railroad bridge, mile 1.8, both at Boston, shall open on signal; except that, from 7:45 a.m. to 9 a.m., 9:10 a.m. to 10 a.m. and 5 p.m. to 6 p.m. except Sundays and holidays, the draws need not be opened for the passage of vessels with a draft of less than 18 feet. Public vessels of the United States and state or local vessels used for public safety shall be passed at any time.

(b) The draws of the Wellington bridge, mile 2.5, and the General Lawrence bridge, mile 3.6, both at Boston, need not be opened for the passage of vessels.

§ 117.611 Neponset River.

The draw of the Granite Avenue bridge, mile 0.0 at Boston, shall open on signal from May 1 through October 31 and from November 1 through April 30 from 8 a.m. to 4 p.m. The

draw shall open on signal from November 1 through April 30 from 4 p.m. to 8 a.m. if at least 24 hours notice is given. Public vessels of the United States and state or local vessels used for public safety shall be passed at any time.

§ 117.613 North River.

The draws of the S3A bridge, mile 1.6 at Scituate, and the Plymouth County (Bridge Street) bridge, mile 4.0 at Norwell, shall open on signal from May 1 through October 31 if at least four hours notice is given. From November 1 through April 30, the draws shall open on signal if at least 24 hours notice is given.

§ 117.615 Plum Island River.

The draw of the Plum Island Turnpike bridge, mile 0.1 between Newburyport and Plum Island, operates as follows:

(a) The draw shall open on signal from April 1 through November 30 during daylight hours two hours before to two hours after each high tide. "Daylight hours" means one half hour before sunrise to one half hour after sunset. High tide occurs one half hour later than the time of high tide for Portland as published in the tide table by the National Oceanic and Atmospheric Administration. At all other times, the draw shall open on signal if at least three hours notice is given.

(b) The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(c) Vessels which can pass under the closed draw with a clearance of one foot or more should not signal for the opening of the draw. In case a vessel gives the prescribed signal and the drawtender is uncertain as to whether the vessel can safely pass, the drawtender shall open the draw. If the drawtender finds that there would

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have been a clearance of one foot or more had the draw remained closed, the matter shall be reported immediately to the District Commander, giving the name of the vessel, the time of opening the draw, the clearance under the bridge as indicated by the gage at the time of opening the draw, and the approximate vertical clearance required by the vessel.

§ 117.617 Reserved Channel.

The draw of the Summer (L) Street bridge, mile 0.2 at Boston, shall open on signal from 9:30 a.m. to 4 p.m. Monday through Saturday and from 9:30 a.m. to 4 p.m. on Sunday from April 1 through October 3. At all other times, the draw shall open on signal if at least 10 hours notice is given. Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

§ 117.618 Saugus River.

The draw of the Saugus MBTA Bridge mile 2.1 need not be opened for the passage of vessels from 25 November 1988 through 28 February 1989 inclusive, to effect emergency repairs to the movable span.

[CGD1-88-098, 53 FR 48905, Dec. 5, 1988]

§ 117.619 Taunton River.

The draw of the Bristol County bridge, mile 10.3 at Berkley, shall open on signal from May 1 through October 31 from 5 a.m. to 10 p.m. and from November 1 through April 30 from 6 a.m. to 6 p.m. At all other times, the draw shall open on signal if at least a one-half hour notice is given.

§ 117.621 Weymouth Fore River.

The draw of the S3A bridge, mile 3.5 between Quincy Point and North Weymouth, shall open on signal; except that the draw need not be opened from 6:30 a.m. to 9 a.m. and 4:30 to 6:30 p.m. Monday through Friday except holidays observed in the locality. However, the draw shall open at any time for public vessels of the United States, commercial vessels, and state or municipal government vessels used for public safety and in case of emergency or during severe storms.

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§ 117.624 Black River (South Haven).

The draw of the Dyckman Avenue bridge, mile 1.9 at South Haven, shall open as follows:

(a) From May 1 through October 14—

(1) From 7 a.m. to 11 p.m., seven days a week the draw need open only on the hour and half-hour; however, Mondays through Fridays the draw need not open at 12 noon and 1 p.m. Commercial vessels shall be passed through the draw of this bridge as soon as possible even though this regulated period is in effect.

(2) From 11 p.m. to 7 a.m., no bridge-tender is required to be in continuous attendance at the bridge and the draw shall open on signal for commercial vessels and pleasure craft if at least a three hour advance notice is given.

(b) From October 15 through April 30, the draw shall open on signal for the passage of commercial vessels and pleasure craft if at least a twelve hour advance notice is given.

(c) At all times, the draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety and vessels in distress.

[CGD 09 85-21, 51 FR 13219, Apr. 18, 1986]

§ 117.625 Black River.

(a) For all drawbridges across the Black River, notice requesting the opening of a draw may be given to the dispatcher of the Port Huron Police Department. Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through each drawbridge on the river as soon as possible.

(b) The draws of the Military Street bridge, mile 0.3, and Seventh Street bridge, mile 0.5, both at Port Huron, shall open on signal; except that, from May 1 through October 31 from 9 a.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draw need be opened only on the hour and half hour and, from November 1 through November 30 and April 1 through April 30 from 4 p.m. to 8 a.m. the draw shall open if at least three

hours notice is given. From December 1 through March 31, the draw shall open if at least 24 hours notice is given.

(c) The draw of the Tenth Street bridge, mile 0.9 at Port Huron, shall open on signal—

(1) From May 1 through October 31 from 8 a.m. to 11 p.m. and from 11 p.m. to 8 a.m., if at least one hours notice is given;

(2) From April 1 through April 30 and November 1 through November 30, if at least three hours notice is given; and

(3) From December 1 through March 31, if at least 24 hours notice is given.

§ 117.627 Cheboygan River.

The draw of the US23 bridge, mile 0.9 at Cheboygan, shall open on signal:

(a) From March 16 through May 15 and September 16 through December 14.

(b) From May 16 through September 15, from 6:12 p.m. to 7:18 a.m. Monday through Friday, from 5:12 p.m. to 11:18 a.m. on Saturdays, and all day on Sundays.

(c) From May 16 through September 15 three minutes before to three minutes after the quarter hour and the three-quarters hour, from 7:18 a.m. to 6:12 p.m. Monday through Friday and from 11:18 a.m. to 5:12 p.m., on Saturdays.

(d) From December 15 through March 15, if at least 24 hours notice is given to the Cheboygan Police Department.

(e) As soon as possible for the passage of public vessels of the United States, state or local vessels used for public safety, commercial vessels, and vessels in distress.

§ 117.631 Detroit River (Trenton Channel).

(a) The draw of the Grosse Ile Toll bridge (Grosse Ile Parkway), mile 8.8, at Grosse Ile, shall operate as follows:

(1) Between the hours of 7 a.m. and 11 p.m., seven days a week and holidays, the draw need open only from three minutes before to three minutes after the hour and half-hour for pleasure craft; for commercial vessels, during this period of time, the draw

shall open on signal as soon as possible.

(2) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for pleasure craft and commercial vessels.

(b) The draw of the Wayne County highway bridge (Bridge Road), mile 5.6, at Grosse Ile, shall operate as follows:

(1) From March 16 through December 14—

(i) Between the hours of 7 a.m. and 11 p.m., seven days a week and holidays, the draw need open only from three minutes before to three minutes after the quarter and three-quarter hour for pleasure craft, with no opening required at 7:45 a.m., 8:45 a.m., 4:15 p.m. and 5:15 p.m., Monday through Friday, except holidays; for commercial vessels, during these periods of time, the draw shall open on signal as soon as possible.

(ii) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for pleasure craft and commercial vessels.

(2) From December 15 through March 15, no bridgetenders are required to be on duty at the bridge and the bridge shall open on signal if at least a twelve-hour advance notice is given.

(c) At all times, the bridges listed in this section shall open as soon as possible for public vessels of the United States, State or local government vessels used for public safety and vessels in distress.

[CGD09 87-07, 52 FR 39520, Oct. 22, 1987]

§ 117.633 Grand River.

(a) Public vessels of the United States, state or local vessels used for public safety, commercial vessels, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(b) The draw of the Grand Trunk Western railroad bridge, mile 2.8 at Grand Haven, shall open on signal; except that, from December 15 through March 15, the draw shall open on signal if at least 24 hours notice is given.

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(c) The draw of the US31 bridge, mile 2.9 at Grand Haven, shall open on signal—

(1) From March 16 through May 14 and from October 15 through December 14;

(2) From May 15 through October 14, from 9:03 p.m. to 6:03 a.m.;

(3) From May 15 through October 14, from 6:03 a.m. to 9:03 p.m., from three minutes before to three minutes after the hour and half hour; and

(4) From December 15 through March 15, if at least 24 hours notice is given.

(d) The draw of the Grand Trunk Western railroad bridge, mile 0.2 across the mouth of Spring Lake, shall open on signal; except that, from December 15 through March 15, the draw shall open on signal if at least 24 hours notice is given.

§ 117.635 Keweenaw Waterway.

The draw of the US41 bridge, mile 16.0 between Houghton and Hancock, shall open on signal; except that, from January 1 through March 15, the draws shall open on signal if at least 24 hours notice is given.

§ 117.637 Manistee River.

The draws of the Maple Street bridge, mile 1.1, the US31 (Smith Street) bridge, mile 1.4, and the Chesie System railroad bridge, mile 1.5, all at Manistee, shall open on signal; except that, from January 1 through March 31, the draws shall open on signal if at least 24 hours notice is given.

§ 117.639 Ontonagon River.

The draw of the S64 bridge, mile 0.2 at Ontonagon, shall open on signal from April 1 through November 15 from 7 a.m. to 11 p.m. and from 11 p.m. to 7 a.m., if at least one hour notice is given. From November 16 through March 31, the draw shall open on signal if at least 24 hours notice is given.

§ 117.641 Pine River (Charlevoix).

The draw of the US31 bridge, mile 0.3 at Charlevoix, shall be operated as follows:

(a) The draw shall open on signal; except that, from 6 a.m. to 6 p.m., the

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draw shall open on signal from three minutes before to three minutes after the hour and half hour. Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(b) The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be placed on the bridge so that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

§ 117.643 Pine River (St. Clair).

The draw of the S29 bridge, mile 0.1 at St. Clair, shall open on signal from April 1 through November 30 from 2 a.m. to 8 a.m. and from 8 a.m. to 2 a.m. on the hour and one-half hour. From December 1 through March 31, the draw shall open on signal if at least 24 hours notice is given. Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw as soon as possible.

§ 117.645 River Rouge.

The draws of the Jefferson Avenue bridge, mile 1.1, and the Fort Street bridge, mile 2.2, both at Detroit, shall open on signal from December 14 through March 14 and on Saturdays, Sundays, and Federal holidays from March 15 through December 15. On Monday through Friday from March 15 through December 15, the draws shall open on signal from 8:30 a.m. to 4 p.m., 4:40 p.m. to 5 p.m., and 6 p.m. to 7:30 a.m. The draws need not be opened at all other times. Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through each draw as soon as possible.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.647 Saginaw River.

(a) The draws of the Detroit and Mackinac railroad bridge, mile 2.5 at

Bay City, the Conrail railroad bridge, mile 4.4 at Bay City, and the Chessie System railroad bridge, mile 18.0 at Saginaw, shall open on signal; except that, from December 16 through March 15, the draws shall open on signal if at least 12 hours notice is given.

(b) The draws of the Belinda Street (Independence) bridge, mile 3.3, Veterans Memorial bridge, mile 5.0, and Lafayette Street bridge, mile 6.2, all in Bay City, shall open on signal from March 16 through December 15, except as follows:

(1) From 6:30 a.m. to 8:30 a.m. and 2:30 p.m. to 5:30 p.m. except Saturdays, Sundays, and holidays observed in the locality, the draws need not be opened for the passage of vessels of less than 50 gross tons.

(2) From 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 5:30 p.m. except on Sundays and Federal holidays, the draws need not be opened for the passage of downbound vessels of over 50 gross tons.

(3) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Belinda Street and Lafayette Street bridges need not be opened for the passage of pleasure craft except from three minutes before to three minutes after the hour and half hour.

(4) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Veterans Memorial bridge need not be opened for the passage of pleasure craft, except from three minutes before to three minutes after the quarter hour and three quarter hour.

(5) From December 16 through March 15, the draws of these bridges shall open on signal if at least 12 hours notice is given.

(c) The draw of the I-75 bridge, mile 14.5 at Zilwaukee, shall open on signal; except that, from December 16 through March 15, the draw shall open on signal if at least 12 hours notice is given.

(d) The draw of the Sixth Avenue bridge, mile 17.1 at Saginaw, shall open on signal from April 1 through November 15 from 7 a.m. to 11 p.m. At all other times, the draw shall open on

signal if at least three hours notice is given.

(e) The draw of the Chessie System railroad bridge, mile 18.0, shall open on signal if at least three hours notice is given. Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed as soon as possible.

(f) The draw of the Grand Trunk Western railroad bridge, mile 19.2, need not be opened for the passage of vessels.

§ 117.651 St. Joseph River.

The draws of the US33 (Blossomland) bridge, mile 0.9, and the BL-94 (Bicentennial) bridge, mile 1.3, both at St. Joseph, shall be operated as follows:

(a) From March 1 through May 14, from October 1 through December 15, and from 8 p.m. to 7 a.m. from May 15 through September 30, the draws shall open on signal.

(b) From 7 a.m. to 8 p.m. from May 15 through September 30, the draw of the Blossomland bridge need be opened only from three minutes before to three minutes after the hour and half hour, and the draw of the Bicentennial bridge need be opened only from three minutes before to three minutes after the quarter and three-quarter hour.

(c) From December 16 through the last day of February, the draw of both bridges shall open on signal if at least 12 hours notice is given.

(d) Public vessels of the United States, state and local government vessels used for public safety, commercial vessels, and vessels in distress shall be passed through the draw of both bridges as soon as possible.

§ 117.653 St. Mary's Falls Canal.

The draw of the International Railway bridge, mile 1.0 at Sault Ste. Marie, shall be maintained in the fully open position during the navigation season, except for the crossings of trains or for maintenance. Bridge operators shall not give precedence to railway traffic and shall not close the bridge against an upbound vessel after lock gates are open and the vessel is proceeding toward the bridge, nor

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against a downbound vessel, 1,200 feet or less west of the bridge, unless the vessel is moored at either canal pier awaiting its turn to take position at lock approaches.

§ 117.655 Thunder Bay River.

The draw of the Second Avenue bridge, mile 0.3 at Alpena, shall open on signal if at least three hours notice is given to the Dispatcher, Police Department, City of Alpena, Michigan.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

MINNESOTA

§ 117.661 Duluth Ship Canal (Duluth-Superior Harbor).

The draw of the Duluth Ship Canal bridge, mile 0.1 at Duluth, shall open on signal; except that, from January 1 through March 15, the draw shall open on signal if at least 24 hours notice is given. The opening signal is one prolonged blast, one short blast, one prolonged blast, one short blast. If the Duluth Ship Canal Bridge is disabled, the bridge authorities shall give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that the vessels do not attempt to enter the canal. Vessels shall be given precedence over highway or railway traffic at all times.

§ 117.663 Minnesota River.

(a) The draws of the bridges from the mouth of the Minnesota River through LeSueur shall open on signal if at least 24 hours notice is given.

(b) The draws of bridges above LeSueur need not be opened for the passage of vessels.

§ 117.665 Red River of the North.

The draws of the bridges need not be opened for the passage of vessels.

§ 117.667 St. Croix River.

(a) The draws of the Burlington Northern railroad bridge, mile 0.2, and the US-16-61 bridges, mile 0.3, all at Prescott, and the Chicago and Northwestern railroad bridge, mile 17.3 at Hudson, shall open on signal; except that, from December 15 through the last day of February, the draws shall

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open on signal if at least 24 hours notice is given.

(b) The draw of the S36 bridge, mile 23.4 at Stillwater, shall open on signal as follows:

(1) From May 15 through October 15 Monday through Friday, except Federal holidays, from—

(i) 8 a.m. to 11 a.m., every hour on the hour;

(ii) 11 a.m. to 3 p.m., every hour and half hour;

(iii) 3 p.m. to 6 p.m., every hour on the hour;

(iv) 6 p.m. to 10 p.m., every hour and half hour; and

(v) 10 p.m. to 8 a.m., if at least two hours notice is given.

(2) From May 15 through October 15 Saturdays, Sundays, and Federal holidays from—

(i) 8 a.m. to 11 a.m., every hour and half hour;

(ii) 11 a.m. to 8 p.m., every hour on the hour;

(iii) 8 p.m. to midnight, every hour and half hour; and

(iv) Midnight to 8 a.m., if at least two hours notice is given.

(3) From May 15 through October 15, at any time for emergencies.

(4) From October 16 through May 14, if at least 24 hours notice is given.

(c) The draw of the Soo Line railroad bridge, mile 40.7, at Otisville, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended at 49 FR 43460, Oct. 29, 1984]

§ 117.669 St. Louis River (Duluth Superior Harbor).

(a) The draws of the Burlington Northern railroad bridge, mile 8.7, shall open on signal; except that, from January 1 through March 15, the draws shall open on signal if at least 24 hours notice is given. The opening signal for the Minnesota draw is one prolonged blast followed by two short blasts and for the Wisconsin draw is two prolonged blasts followed by two short blasts.

(b) The draws of the Grassy Point bridge, mile 8.0, and the Arrow Head bridge, mile 8.7, shall open on signal; except that, from January 1 through March 15, the draw shall open on

signal if at least 24 hours notice is given. The opening signal for the Grassy Point bridge is two prolonged blasts followed by one short blast and for the Arrowhead bridge is three prolonged blasts.

(c) The draw of the Duluth Missabe and Iron Range Railway bridge, mile 16.3, need not be opened for the passage of vessels. The owner shall return the draw to operable condition within a reasonable time when notified by the District Commander to do so.

§ 117.671 Upper Mississippi River.

(a) The draws of all bridges between Lock and Dam No. 10, mile 615.1, and Lock and Dam No. 2, mile 815.2, shall open on signal; except that, from December 15 through the last day of February, the draws shall open on signal if at least 24 hours notice is given.

(b) The draws of all bridges between Lock and Dam No. 2, mile 815.2, and Lock and Dam No. 1, mile 847.6, shall open on signal; except that, from December 15 through the last day of February, the draws shall open on signal if at least 12 hours notice is given.

MISSISSIPPI

§ 117.675 Back Bay of Biloxi.

(a) The draw of the US 90 bridge, mile 0.4, between Biloxi and Ocean Springs shall open on signal; except that, from 6:30 a.m. to 7:05 a.m., 7:20 a.m. to 8:05 a.m., 4:00 p.m. to 4:45 p.m., and 4:55 p.m. to 5:30 p.m. Monday through Friday except holidays, the draw need not open for the passage of vessels.

(b) The draw of the I-110 bridge, mile 3.0 at Biloxi, shall open on signal if at least six hours notice is given.

[CGD8-85-05, 50 FR 27583, July 5, 1985]

§ 117.677 Big Sunflower River.

The draw of the Columbus and Greenville railroad bridge, mile 96.1 at Baird, shall open on signal if at least four hours notice is given.

§ 117.679 Escatawpa River.

The draw of the S63 bridge, mile 1.0 at Moss Point, shall open on signal; except that, from 6 a.m. to 6:45 a.m., 7

a.m. to 7:30 a.m., 3:25 p.m. to 3:45 p.m., and 4 p.m. to 5 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels.

§ 117.681 Old Fort Bayou.

The draw of the bridge, mile 1.6 at Ocean Springs, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least eight hours notice is given to the Old Fort Bayou drawtender. During periods of storm or hurricane warnings issued by the National Weather Service, the draw shall open on signal at any time.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.683 Pascagoula River.

The draw of the US90 bridge, mile 1.8 at Pascagoula, shall open on signal; except that, from 6:15 a.m. to 7:15 a.m., 7:25 a.m. to 8 a.m., and 3:30 p.m. to 4:45 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels.

[CGD8-86-11, 52 FR 3639, Feb. 5, 1987]

§ 117.684 Pearl River.

The draws of the Seaboard System Railroad bridge, mile 1.0 near Ansley, and the US 90 Highway bridge, mile 8.8 near Pearlinton, shall open on signal; except that, from 9 p.m. to 5 a.m. the draws shall open on signal if at least four hours notice is given. During the advance notice period, the draws shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

[CGD8-85-15, 50 FR 46647, Nov. 12, 1985]

§ 117.685 Yazoo River.

(a) The draws of the Illinois Central Gulf railroad bridge, mile 16.7 at Redwood, and the Satartia highway (S433) bridge, mile 53.3 at Satartia, shall open on signal if at least two hours notice is given. When a vessel has given notice and fails to arrive within the two hour period specified, the drawtender shall remain on duty for two additional hours and open the

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draw if the requesting vessel appears. After this time, an additional two hour notice is required.

(b) The draws of the bridges upstream from the Satartia highway (S433) bridge shall open on signal if at least four hours notice is given. When a vessel has given notice and fails to arrive within the four hour period specified, the drawtender shall remain on duty for two additional hours and open the draw if the requesting vessel appears. After this time, an additional four hour notice is required.

MISSOURI

§ 117.687 Missouri River.

(a) The draws of the bridges across the Missouri River from the mouth to St. Joseph, shall open on signal; except that, from December 16 through the last day of February, the draws shall open on signal if at least 24 hours notice is given.

(b) The lift span of the A-S-B highway and railway bridge, Mile 365.6, between Kansas City, Kansas, and Kansas City, Missouri, is operated from a remote location. Radiotelephone contact may be established with the remotely located bridge/train controller to request bridge openings. The bridge is also equipped with a directional microphone and horn to receive and deliver signals to vessels not equipped with a radiotelephone. Closed circuit TV cameras located at the bridge enable the remotely located bridge/train controller to view both river traffic and the bridge itself.

(1) When an approaching vessel requires a bridge opening, contact shall be established with the bridge/train controller by radiotelephone or appropriate signals prescribed in § 117.15.

(2) The bridge/train controller will confirm by radiotelephone or sound signal that the bridge will open promptly.

(3) When rail traffic is on bridge, the bridge/train controller will inform the vessel that bridge cannot be opened and will also give an approximate time of bridge opening via radiotelephone. The bridge/train controller will indicate via sound signals that lift span cannot be opened if the vessel doesn't

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have a radiotelephone, or if radiotelephone is not used.

(4) When the bridge is clear of rail traffic, the bridge/train controller will advise the waiting vessel by radiotelephone or sound signal of the intended opening. The lift span will be raised to its full height, and the midchannel bridge lights will change from red to green.

(5) The bridge/train controller will monitor the vessel's passage via closed circuit TV and radiotelephone until it has cleared the bridge.

(6) When the vessel has cleared the draw, midchannel bridge navigation lights will change from green to red and the lift span will be lowered to the closed-to-navigation position.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 84-03, 50 FR 47391, Nov. 18, 1985]

§ 117.689 Osage River.

The draw of the Missouri Pacific Railroad bridge, mile 5.6 at Osage City, need not be opened for the passage of vessels.

NEBRASKA

§ 117.691 Missouri River.

The draw of the Illinois Central Gulf railroad bridge, mile 618.3 at Omaha, shall open on signal; except that, from December 1 through the last day of February, the draw shall open on signal if at least 24 hours notice is given.

NEW HAMPSHIRE

§ 117.697 Hampton River.

The SR1A bridge, mile 0.0 at Hampton, operates as follows:

(a) The draw shall open on signal from April 1 through October 31 for the passage of vessels during daylight hours from three hours before to three hours after each high tide. "Daylight hours" means one-half hour before sunrise to one-half hour after sunset. High tide occurs one-half hour later than the time of high tide for Portland, Maine, as published in the tide tables by the National Oceanic and Atmospheric Administration. At all other times, the draw shall open on

signal if at least three hours notice is given.

(b) The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(c) Vessels which can pass under the closed draw with a clearance of one foot or more shall not signal for the opening of the draw. In case a vessel gives the prescribed signal and the drawtender is uncertain as to whether the vessel can safely pass, the drawtender shall open the draw. If the drawtender finds that there would have been a clearance of one foot or more had the draw remained closed, the matter shall be reported immediately to the District Commander, giving the name of the vessel, the time of opening the draw, the clearance under the bridge as indicated by the gage at the time of opening the draw, and the approximate vertical clearance required by the vessel.

§ 117.699 Little Harbor.

The draw of the SR1B bridge, mile 1.0 between New Castle and Rye, shall open on signal from April 1 through October 31 from 6 a.m. to 10 p.m. if at least four hours notice is given. At all other times, the draw shall open as soon as possible only for emergencies.

§ 117.700 Piscataqua River.

(a) The following requirements apply to all bridges across the Piscataqua River:

(1) Public vessels of the United States, state and local vessels used for public safety, vessels in distress, commercial vessels over 100 gross tons, inbound ferry service vessels and inbound commercial fishing vessels shall be passed through the draws of each bridge as soon as possible without delay at any time. The opening signal from these vessels is four or more short blasts of a whistle, horn or a radio request.

(2) The owners of these bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 18 inches high designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(3) Trains and locomotives shall be controlled so that any delay in opening the draw shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(4) Except as provided in paragraphs (b) through (c) of this section the draws shall open on signal.

(b) The draw of the Memorial (US 1) bridge, mile 3.5, shall open on signal; except that from 15 May through 31 October, from 7 a.m. to 7 p.m., the draw need be opened only on the hour and half hour for recreational vessels and commercial vessels less than 100 gross tons except as provided in (a)(1).

(c) The draw of the Sarah M. Long (Route 1 Bypass) bridge, mile 4.0, shall open as follows:

(1) The main ship channel draw shall open on signal; except that from 15 May through 31 October, from 7 a.m. to 7 p.m., the draw need be opened only at quarter of and quarter after the hour for recreational vessels and commercial vessels less than 100 gross tons except as provided in (a)(1).

(2) The secondary recreation draw shall be left in the fully open position from 15 May through 31 October except for the crossing of a train in accordance with (a)(3) above.

[CGD1-89-111, 55 FR 13276, Apr. 10, 1990]

NEW JERSEY

§ 117.701 Alloway Creek.

(a) The draws of the Salem County bridges, miles 5.1 at Hancocks Bridge, and 6.5 at New Bridge, shall open on signal if at least 24 hours notice is given.

(b) The draw of the S49 bridge, mile 9.5 at Quinton, need not be opened for the passage of vessels.

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§ 117.703 Bass River.

The draw of the US9 bridge, mile 2.6 at New Gretna, shall open on signal from March 1 through November 30 from 7 a.m. to 11 p.m. At all other times, the draw shall open on signal if at least six hours notice is given.

§ 117.705 Beaver Dam Creek.

The draw of the Ocean County bridge, mile 0.5 at Point Pleasant, shall open on signal from June 1 through September 30 and from 8 a.m. to 4 p.m. during April, May, October, and November. At all other times, the draw shall open on signal if at least 24 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.709 Cheesecake Creek.

(a) The draw of the S35 bridge, mile 0.0 at Morgan, South Amboy, shall open on signal; except that, from May 15 through October 15 from 7 a.m. to 7 p.m., the draw need only open on the hour. From December 1 through March 31 from 11 p.m. to 7 a.m., the draw need not be opened for the passage of vessels.

(b) The draw of the New Jersey Transit Rail Operations railroad bridge, mile 0.2, operates as follows:

(1) The draw shall open on signal; except that, at least four hours notice is required—

(i) From January 1 through March 31 from 6 p.m. to 6 a.m.;

(ii) From April 1 through April 30 and November 1 through November 30 from 10 p.m. to 6 a.m. Monday through Thursday, and midnight Sunday through 6 a.m. Monday; and

(iii) From December 1 through December 31 from 10 p.m. to 6 a.m.

(2) The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

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§ 117.711 Cohansey River.

The draw of the Broad Street bridge, mile 18.2 at Bridgeton, need not be opened for the passage of vessels.

§ 117.713 Cooper River.

(a) The draws of the State Street bridge, mile 0.3, the Conrall bridge at North River Avenue, mile 0.9, and the Federal Street bridge, mile 1.0, both at Camden, shall open on signal if at least four hours notice is given.

(b) The draw of the Admiral Wilson Boulevard bridge, mile 1.1 at Camden, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.715 Debbies Creek.

The draw of the Monmouth County highway bridge, mile 0.4 at Manasquan, shall open on signal; except that, from Memorial Day through Labor Day from 7 a.m. to 8 p.m., the draw need be opened only on the hour and the half hour if any vessels are waiting to pass. The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

[CGD 82-025, 49 FR 43460, Oct. 29, 1984]

§ 117.716 Delaware River.

The following requirements apply to all drawbridges across the Delaware River:

(a) The draws of railroad bridges need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, or within five minutes of the known time of the passage of a scheduled passenger train.

(b) The opening of a bridge may not be delayed more than five minutes for

a highway bridge or 10 minutes for a railroad bridge, after the signal to open is given.

(c) The owners of drawbridges shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

[CGD 82-025, 49 FR 43460, Oct. 29, 1984]

§ 117.719 Elizabeth River.

(a) The draw of the South Front Street bridge, mile 0.0 at Elizabeth, shall open on signal; except that, from 12 midnight to 7 a.m., the draw shall open on signal if at least three hours notice is given.

(b) The draws of the South First Street bridge, mile 0.4 at Elizabeth, shall open on signal if at least three hours notice is given.

(c) The draws of the New Jersey Transit Rail Operations railroad bridge, mile 0.7, the Baltic Street bridge, mile 0.9, the Summer Street bridge, mile 1.3, the South Street bridge, mile 1.8, and the Bridge Street bridge, mile 2.1, all at Elizabeth, need not be opened for the passage of vessels.

§ 117.723 Hackensack River.

(a) The draw of each bridge across the Hackensack River shall open on signal, except as follows:

(1) The draw of Amtrak's Portal bridge, mile 5.0 at Little Snake Hill, need not be opened Monday through Friday except Federal holidays from 7:30 a.m. to 9:20 a.m. and from 4:30 p.m. to 6:50 p.m. At all other times, an opening may not be delayed for more than 10 minutes, unless the draw-tender and the vessel operator, communicating by radiotelephone, agree to a longer delay.

(2) The draw of the S46 bridge, mile 14.0 at Little Ferry, shall open on signal if at least six hours notice is given.

(3) The draw of the Court Street bridge, mile 16.2 at Hackensack, shall open on signal from 8 a.m. to 12 mid-

night. From 12 midnight to 8 a.m., the draws shall open on signal if at least eight hours notice is given.

(4) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(5) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(6) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes except as provided in paragraph (a)(1) of this section. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(b) The draw of the New York, Susquehanna, and Western railroad bridge, mile 16.3, and Midtown bridge, mile 16.5, both at Hackensack, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984, as amended at 49 FR 43461, Oct. 29, 1984, CGD3 85-42, 50 FR 26712, June 28, 1985]

§ 117.725 Manantico Creek.

The draw of the highway bridge, mile 0.5 at Millville, need not be opened for the passage of vessels.

§ 117.727 Manasquan River.

The draw of the S70 bridge, mile 3.4 at Riviera Beach, shall open on signal from 7 a.m. to 11 p.m. The draw need not be opened from 11 p.m. to 7 a.m.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.729 Mantua Creek.

(a) The draw of the CONRAIL railroad bridge, mile 1.4 at Paulsboro,

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shall open on signal except, that from December 1 to March 1 the draw shall open on signal at all times upon four hours notice.

(b) The draw of the S.R. 44 bridge, mile 1.7, at Paulsboro, shall open on signal from March 1 through November 30 from 7 a.m. to 11 p.m., and shall open on signal at all other times upon four hours notice.

[CGD3 84-33, 50 FR 30270, July 25, 1985]

§ 117.731 Maurice River.

The draw of the Cumberland County bridge, mile 12.1 at Maurice town, need not be opened for the passage of vessels.

§ 117.731a Mullica River.

The draws of the bridges listed in this section shall open on signal, except as follows:

(a) The draw of the Lower Bank bridge, mile 15.0, need not open unless at least four hours notice is given during the following periods:

(1) April 1 through November 30, from 11 p.m. to 7 a.m.

(2) December 1 through March 31, from 4:30 p.m. to 8 a.m.

(b) The draw of the Green Bank bridge, mile 18.0, need not open unless at least four hours notice is given during the following periods:

(1) April 1 through November 30, from 11 p.m. to 7 a.m.

(2) December 1 through March 31, at all times.

(c) The draws shall open as soon as possible during the periods when four hours notice is required for vessels in distress, public vessels of the United States, and state and local vessels used for public safety purposes.

[CGD5-87-065, 53 FR 406, Jan. 7, 1988]

§ 117.732 Nacote Creek.

The draw of the Atlantic County (Rte. 575) bridge, mile 3.5 at Port Republic, shall open on signal if at least eight hours notice is given. Public vessels of the United States shall be passed as soon as possible at any time.

[CGD3 86-47, 51 FR 31946, Sept. 8, 1986]

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§ 117.733 New Jersey Intracoastal Waterway.

(a) The following requirements apply to all bridges listed in this section:

(1) Except as otherwise provided in this section, these bridges need not stay open for more than 10 minutes for the passage of vessels nor need they stay closed for more than 10 minutes for the passage of land traffic.

(2) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(b) The draw of the Route 35 bridge, mile 1.1 (Manasquan River) at Brielle shall open on signal; except that, from Memorial Day through Labor Day on Saturdays, Sundays, and Federal holidays from 10 a.m. to 8 p.m., the draw need only open on the hour and half hour. The draw shall open at all times as soon as possible for passage of a public vessel of the United States or for a vessel in distress.

(c) The draw of the County Route 528 bridge across Barnegat Bay, mile 6.3 at Mantoloking shall open on signal; except that on Saturday, Sunday, and Federal holidays from Memorial Day through Labor Day from 9 a.m. to 6 p.m., the draw need be opened only on the hour, twenty minutes after the hour, and forty minutes after the hour. The draw shall open at all times as soon as possible for a public vessel of the United States, a vessel in distress or for a vessel with tow.

(d) The draw of the S37 bridge across Barnegat Bay, mile 14.1 at Seaside Heights, shall open on signal except as follows:

(1) From December 1 through March 31 from 11 p.m. to 7 a.m., the draw need not be opened.

(2) From Memorial Day through Labor Day from 10 a.m. to 2 p.m. Saturdays, Sundays, and Federal holidays, the draw need only be opened on

the hour and half hour, except that it shall open at any time for the passage of vessels with tows.

(e) The draws of the New Jersey Transit Rail Operations railroad bridge across Beach Thorofare, mile 68.9 at Atlantic City, shall open on signal from 11 p.m. to 6 a.m. From 6 a.m. to 11 p.m., the draw shall open on signal from 20 minutes to 30 minutes after each hour and remain open for all awaiting vessels.

(f) The draw of the Albany Avenue (US40-322) bridge across Inside Thorofare, mile 70.0 at Atlantic City, shall open on signal, except that from June 1 through September 30 from 9 a.m. to 4 p.m. and from 6 p.m. to 9 p.m., the draw shall open on signal only on the hour and half hour and from 4 p.m. to 6 p.m., the draw need not be opened.

(g) The draw of the Dorset Avenue bridge across Inside Thorofare, mile 71.2 at Ventnor City, shall open on signal; except that, from June 1 through September 30, from 9:15 a.m. to 9:15 p.m., the draw need be opened only on the quarter and three-quarter hours. Public vessels of the United States and vessels in distress shall be passed at any time.

(h) The draw of the Route 52 (Ninth Street) bridge, mile 80.4 at Ocean City, shall open on signal:

(1) Except from Memorial Day through Labor Day from 10 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draw must be opened only on the hour and half-hour.

(2) At any time for public vessels of the United States, vessels with another vessel in tow, and vessels in distress.

(j) The draw of the Cape May County Bridge Commission bridge, mile 104.0 between Stone Harbor and Nummy Island, shall open on signal from May 15 through October 15 from 6 a.m. to 10 p.m., and from 10 p.m. to 6 a.m. if at least four hours notice is given. From October 16 through May 14, the draw shall open on signal if at least 24 hours notice is given. Public vessels of the United States shall be passed as soon as possible at any time.

[CGD3 85-42, 50 FR 26712, June 28, 1985, as amended by CGD5-87-028, 52 FR 25374, July 7, 1987]

§ 117.734 Navesink River (Swimming River).

The owners of all bridges over the waterway shall provide and keep in good legible condition two broad gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

[CGD3 85-42, 50 FR 26712, June 28, 1985]

§ 117.735 Newark Bay.

The following requirements apply to all bridges across this waterway:

(a) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed through the draw without delay. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

(b) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(c) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

[CGD3 85-42, 50 FR 26712, June 28, 1985]

§ 117.736 Oceanport Creek.

The draw of the New Jersey Transit Rail Operations bridge, mile 8.4 near Oceanport, shall open on signal from May 15 through September 15 between 5 a.m. and 9 p.m.; except that, the bridge need not open 6 a.m. to 7:45 a.m. and 5:30 p.m. to 7:30 p.m. on week-

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days except holidays. The draw shall open on signal upon four hours notice from May 15 through September 15 between 9 p.m. and 5 a.m., and from September 16 through May 14; except that, the draw need not be opened from 6 a.m. to 7:45 a.m. and 5:30 p.m. to 7:30 p.m. on weekdays except holidays. Public vessels of the United States and vessels in distress shall be passed as soon as possible at any time.

[CGD 82-025, 49 FR 43461, Oct. 29, 1984. Redesignated by CGD3 85-42, 50 FR 26712, June 28, 1985]

§ 117.737 Oldmans Creek.

The draws of the US30 bridge, mile 3.1 at Nortonville, the Conrail railroad bridge, mile 4.0 at Jumbo, and the Salem County bridge, mile 5.1 at Pedricktown, need not be opened for the passage of vessels. However, the draws of any of these bridges shall be restored to operable condition within six months after notification by the District Commander to do so.

§ 117.738 Overpeck Creek.

(a) The draws of the Conrail and the New York, Susquehanna and Western railroad bridges, mile 0.0 both at Ridgely Park, NJ, operate as follows:

(1) The draws shall open on signal if at least 24 hours notice is given.

(2) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(3) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(b) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue

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across the bridge and must clear the bridge interlocks before stopping.

[CGD3 85-42, 50 FR 26713, June 28, 1985]

§ 117.739 Passaic River.

(a) The following requirements apply to all bridges across the Passaic River:

(1) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed through the draw of each bridge as soon as possible without delay at any time. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

(2) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(3) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes except as provided in paragraph (c) of this section. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(4) Except as provided in paragraph (b) through (m) of this section the draws shall open on signal.

(b) The draw of the Jackson Street Bridge, mile 4.6, at Harrison, shall open on signal; except that, notice must be given before 2:30 a.m. for openings between 3 a.m. and 8:30 a.m. and before 2:30 p.m. for openings between 4:30 p.m. and 7:00 p.m.

(c) The draw of Amtrak's Dock bridge, mile 5.0 at Harrison, need not be opened from 7:20 a.m. to 9:20 a.m. and 4:30 p.m. to 6:50 p.m. Monday through Friday except Federal holidays. At all other times, an opening may be delayed no more than 10 minutes, unless the draw tender and the

vessel operator, communicating by radiotelephone, agree to a longer delay.

(d) The draw of the Bridge Street Bridge, mile 5.6 at Harrison, shall open on signal except that, notice must be given before 2:30 a.m. for openings between 3 a.m. and 8:30 a.m. and before 2:30 p.m. for openings between 4:30 p.m. and 7:00 p.m.

(e) The draw of New Jersey Rail Operations Morristown Line bridge, mile 5.8 at Harrison, need not be opened from 7:23 a.m. to 9 a.m. and 4:30 p.m. to 6:50 p.m. Monday through Friday except Federal holidays.

(f) The draw of the Route 280 (Stickel Memorial) bridge, mile 5.8 at Harrison, shall open on signal if at least eight hours notice is given. In an emergency, the draw shall open as soon as possible but not more than two hours after the opening request.

(g) The draw of the Clay Street Bridge, mile 6.0 at Harrison, shall open on signal except that, notice must be given before 2:30 a.m. for openings between 3 a.m. and 8:30 a.m. and before 2:30 p.m. for openings between 4:30 p.m. and 7:00 p.m.

(h) The draw of the New Jersey Transit Rail Operations bridge (West Arlington), mile 8.0 at Kearney, shall open on signal from 7 a.m. to 11 p.m. if at least eight hours notice is given. From 11 p.m. to 7 a.m., the draw need not be opened.

(i) The draw of the Avondale Bridge, mile 10.7 at Lyndhurst, shall open on signal except that, notice must be given before 2:30 a.m. for openings between 3 a.m. and 8:30 a.m. and before 2:30 p.m. for openings between 4:30 p.m. and 7:00 p.m.

(j) The draw of the New Jersey Transit Rail Operations bridge, mile 11.7 at Lyndhurst, shall open on signal from 8 a.m. to 4 p.m. if at least six hours notice is given. From 4 p.m. to 8 a.m., the draw need not be opened.

(k) The draw of the Route 3 bridge, mile 11.8 at Rutherford, shall open on signal if at least six hours notice is given.

(l) The draw of the Douglas O. Mead (Union Avenue) Bridge at Rutherford, mile 13.2, shall open on signal, except that:

(1) From 4 p.m. to 8 a.m., the draw shall open if at least eight hours notice is given; and

(2) On Christmas and New Year's Day, the draw shall open if notice is given prior to 4 p.m. the day prior.

(m) The draw of the following bridges need not be opened for the passage of vessels:

(1) Gregory Avenue bridge, mile 14.0 at Wallington.

(2) Second Street bridge, mile 14.7 at Wallington.

(3) West Eighth Street bridge, mile 15.3 at Garfield.

[CGD3 85-42, 50 FR 26713, June 28, 1985, as amended by CGD3 85-76, 52 FR 6973, Mar. 6, 1987]

§ 117.741 Raccoon Creek.

The draws of the Route 130 highway bridge, mile 1.8 and the Conrail railroad bridge, mile 2.0, both at Bridgeport shall open on signal March 1 through November 30 from 7 a.m. to 11 p.m. At all other times, the draws shall open on signal if at least four hours notice is given. The draws shall open at all times as soon as possible for passage of a public vessel of the United States.

[CGD3 85-04, 50 FR 27582, July 5, 1985]

§ 117.743 Rahway River.

The draw of the Conrail bridge, mile 2.0 at Linden, shall open on signal from April 1 through November 30 from 6 a.m. to 10 p.m. At all other times, the draw shall open on signal if at least four hours notice is given.

§ 117.745 Rancocas River (Creek).

The draws of the S543 bridge, mile 1.3 at Riverside, the Conrail bridge, mile 1.6 at Delanco and the S38 bridge, mile 7.8 at Centerton, shall open on signal from April 1 through November 30 from 7 a.m. to 11 p.m. From December 1 through March 31 from 7 a.m. to 11 p.m., the draws shall open on signal if at least 24 hours notice is given. From 11 p.m. to 7 a.m., the draws need not open for the passage of vessels.

[CGD3 86-71, 51 FR 44909, Dec. 15, 1986]

§ 117.747

§ 117.747 Raritan River, Arthur Kill, and their tributaries.

The draws of all bridges shall open on signal; except that, from 7:30 a.m. to 10 a.m. and 5 p.m. to 7:30 p.m., the draws may be opened for the passage of vessels for periods no longer than 10 minutes or remain closed for the passage of land traffic for no longer than 10 minutes. Public vessels of the United States and state or local vessels used for public safety shall be passed at any time. The owners of each bridge shall maintain a tug at the drawbridge to control and aid in the passage of vessels. The owners shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridges that they are plainly visible to operators of vessels approaching the bridges either up or downstream.

§ 117.749 Salem River.

The draw of the S49 bridge, mile 3.5 at Salem, shall open on signal if at least 24 hours notice is given.

§ 117.750 Schellenger Creek.

The draw of the Cape May County bridge, mile 0.3 at Cape May, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 43462, Oct. 29, 1984]

§ 117.751 Shark River.

The draws of S71 bridge, mile 0.8, the railroad bridge, mile 0.9, and the S35 bridge, mile 0.9, all at Avon, operate as follows:

(a) The bridges operate as one unit. The owners shall provide signal systems so connected that the operator of any of the bridges may simultaneously notify the operators of the other two. The operator of the first bridge to be passed shall be responsible for observing the approach of vessels, for receiving and acknowledging signals, and for coordinating the opening of the other draws.

(b) The draws shall open on signal; except that, from May 15 through September 30 from 4 p.m. to 7 p.m. Monday through Friday except Feder-

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al holidays and from 9 a.m. to 9 p.m. Saturdays, Sundays, and holidays, the draw need be opened only on the hour and half hour if a vessel is waiting to pass.

(c) The owners of the bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridges that they are plainly visible to operators of vessels approaching the bridges either up or downstream.

[CGD 82-025, 49 FR 17462, Apr. 24, 1984]

§ 117.753 Ship Channel, Great Egg Harbor Bay.

The draw of the S52 (Ship Channel) bridge, mile 0.5 between Somers Point and Ocean City shall open:

(a) From 11 p.m. to 7 a.m.:

(1) As soon as possible, but no longer than 30 minutes after a request for an opening, for any public vessel of the United States, state and local vessel used for public safety, vessel with another vessel in tow, or vessel in distress.

(2) On signal, if at least 24 hours advance notice is given for any other vessel.

(b) From Memorial Day through Labor Day, from 10 a.m. to 8 p.m., on Saturdays, Sundays, and Federal holidays:

(1) On signal for any public vessel of the United States, state and local vessel used for public safety, vessel with another vessel in tow, vessel in distress, or commercial vessel.

(2) Only on the hour and half-hour for any recreational vessel.

(c) At all other times, on signal for any vessel.

[CGD 85-051, 54 FR 25, Jan. 3, 1989]

§ 117.755 Shrewsbury River.

(a) The draw of the S36 bridge, mile 1.8 at Highlands, shall open on signal; except that, from Memorial Day through Labor Day on Saturdays, Sundays, and holidays from 10 a.m. to 7 p.m., the draw need be opened only on the hour and half hour. The

owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(b) The draw of the Monmouth County highway bridge, mile 4.0 at Sea Bright, shall open on signal; except that, from May 15 through September 30 on Saturdays, Sundays, and holidays from 9 a.m. to 7 p.m., the draw need be opened only on the hour and half hour. The draw need not be opened at any time for a sailboat, unless it is under auxiliary power or is towed by a powered vessel. The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD3 83-058, 50 FR 6169, Feb. 14, 1985]

§ 117.756 South River.

The draw of the Conrail bridge, mile 2.8 at South River shall open on weekdays (exclusive of holidays) from December 1 through the last day of February if at least four hours notice is given. From March 1 through November 30, and December 1 through the last day of February on weekends and holidays the draw shall be maintained open to navigation except for closure to accommodate passage of a train. The draw shall be opened as soon as possible at all times for passage of a public vessel of the United States.

[CGD3 83-067, 49 FR 33014, Aug. 20, 1984]

§ 117.757 Tuckahoe River.

The draw of the State highway bridge, mile 8.0 at Tuckahoe, shall open on signal if at least 24 hours notice is given.

§ 117.759 Wading River.

The draw of the Burlington County highway bridge, mile 5.0 at Wading River, shall open on signal if at least 24 hours notice is given.

§ 117.761 Woodbridge Creek.

The draws of the State Street bridge, mile 0.5, and the railroad bridge, mile 0.6, both at Sewaren, shall open on signal if at least four hours notice is given.

NEW YORK

§ 117.771 Bronx River.

(a) The draw of the Bruckner Boulevard highway bridge mile 1.1 at New York City shall open on signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday, the draws need not be opened for the passage of vessels. Public vessels of the United States, state or local vessels used for public safety and vessels in distress shall be passed without delay.

(b) The draw of the Conrail bridge, mile 1.6 at New York City, need not be opened for the passage of vessels.

(c) The owners of the Bruckner Boulevard highway bridge mile 1.1 and the Conrail bridge mile 1.6 both at New York City shall provide and keep in good legible condition two clearance gages designed, installed and maintained according to the provisions of 118.160 of this chapter.

(d) Repair of Bruckner Boulevard Highway Bridge. The draw of the Bruckner Boulevard highway bridge, mile 1.1 at New York City, need not be opened for the passage of all vessels from 9 a.m., April 9, 1989 through 5 p.m., April 9, 1992 inclusive, to effect repair and reconstruction of the bridge.

[CGD1-89-005, 54 FR 18282, Apr. 28, 1989]

EFFECTIVE DATE NOTE: At 54 FR 18282, Apr. 28, 1989, § 117.771 was revised. In the revised material, paragraph (a) is suspended for 36 months to April 9, 1992 and paragraph (d) terminates on April 9, 1992.

§ 117.773 Buffalo River.

(a) The draws of the Michigan Avenue bridge, mile 1.3, and the Ohio Street bridge, mile 2.1, both at Buffalo, shall open on signal; except that,

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from 7:30 a.m. to 9 p.m. and from 4 p.m. to 5:45 p.m. Monday through Saturday except New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day or other days observed instead of any of these under state law, the draws need not be opened for the passage of vessels.

(b) The draws of the South Park Avenue bridge, mile 5.3 at Buffalo, shall open on signal; except that, from 7 a.m. to 8:30 a.m. and from 4:30 p.m. to 6 p.m. Monday through Saturday except New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day or other days observed instead of any of these under state law, the draws need not be opened for the passage of vessels.

(c) The draws of the Conrail bridges, mile 4.02 and 4.39, both at Buffalo, shall open on signal between the hours of 11 p.m. and 7 a.m. if at least a four hour advance notice is given. However, the draw shall open within thirty minutes for vessels responding to an emergency.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 09 84-17, 50 FR 7048, Feb. 20, 1985]

§ 117.775 Coney Island Creek.

The draws of the Cropsey Avenue bridge, mile 0.4, the Stillwell bridge, mile 0.6, and the New York City Transit Authority bridges near Stillwell Avenue, mile 0.7, all at New York City, need not be opened for the passage of vessels.

§ 117.777 Dutch Kills.

(a) The draws of the Long Island Railroad bridges, mile 1.1 both at New York City, shall open on signal if at least six hours notice is given to the Long Island Railroad Movement Bureau. Public vessels of or vessels employed by the United States and state or local vessels used for public safety shall be passed as soon as possible.

(b) The draws of the Borden Avenue bridge, mile 1.2, and the Hunters Point Avenue bridge, mile 1.4, both at New York City, shall open on signal if at least six hours notice is given to the New York City Highway Department's

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Radio (Hotline) Room. Public vessels of or vessels employed by the United States and state or local vessels used for public safety shall be passed as soon as possible.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; CGD 85-42, 50 FR 28713, June 28, 1985]

§ 117.779 Eastchester Bay (Arm of).

The draw of the highway bridge, mile 2.2 between Rodman Neck and City Island, need not be opened for the passage of vessels.

§ 117.781 East River.

The draw of the Roosevelt Island bridge, mile 6.4 at New York City, shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

§ 117.783 Flushing Creek.

The draws of the Northern Boulevard bridge, mile 0.2, the Roosevelt Avenue bridge, mile 0.8, and the Long Island Railroad bridge, mile 1.0, all at New York City, need not be opened for the passage of vessels.

§ 117.785 Genesee River.

(a) The following applies to all bridges listed in this section:

(1) At all times, public vessels of the United States, vessels in distress, and vessels seeking shelter from rough weather shall be passed through the bridges as soon as possible.

(2) Clearance gages of a type approved by the Commander, Ninth Coast Guard District, shall be installed on the upstream and downstream sides of each drawbridge by and at the expense of the owner of or agency controlling the bridge and the gages shall be kept in good repair and legible condition.

(b) The draw of the Conrail bridge, mile 0.9 at Rochester, shall open on signal; except that, from December 15 through March 31, the draw shall open on signal if at least 12 hours notice is given.

(c) The draw of the Stutson Street bridge, mile 1.2 at Rochester, shall open on signal from April 1 through December 15; however, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m.

Monday through Friday except Federal holidays, the draw need be opened only for the passage of commercial vessels. From 9 a.m. to 4 p.m. and 6 p.m. to 11 p.m. Monday through Friday except Federal holidays, and from 7 a.m. to 11 p.m. on Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour and half hour, except that commercial vessels shall be passed at any time. From December 16 through March 31, the draw shall open on signal if at least 12 hours notice is given.

§ 117.787 Gowanus Canal.

The draws of the Third Street bridge, mile 1.8, the Carroll Street bridge, mile 2.0, and the Union Street bridge, mile 2.1, all at New York City, shall open on signal; except that, from May 1 through September 30, the draws shall open on signal if at least six hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

§ 117.789 Harlem River.

(a) The draws of all bridges across the Harlem River, except the Spuyten Duyvil railroad bridge, need not be opened from 5 p.m. to 10 a.m. However, at all times, public vessels of the United States and New York City vessels used for public safety shall be passed through the draw of each bridge listed in this section as soon as possible.

(b) The draws of the railroad bridges across this waterway need not open on signal from the time an express passenger train scheduled to cross the bridge is within five minutes of the bridge until the train has crossed the bridge.

(c) The draws of the bridges at 103rd Street, mile 0.0, Willis Avenue, mile 1.5, 3rd Avenue, mile 1.9, Madison Avenue, mile 2.3, 145th Street, mile 2.8, Macombs Dam, mile 3.2, 207th Street, mile 6.0, and the two Broadway bridges, mile 6.8, shall open on signal from 10 a.m. to 5 p.m. if at least four hours notice is given to the New York City Highway Radio (Hotline) Room.

(d) The draw of the Triborough (125th Street) bridge, mile 1.3, shall open on signal from 10 a.m. to 5 p.m. if at least four hours notice is given.

(e) The draw of the Conrail (Park Avenue) bridge, mile 2.1, shall open on signal from 10 a.m. to 5 p.m., except as provided in paragraph (b) of this section.

(f) The draw of the Spuyten Duyvil railroad bridge, mile 7.9, shall open on signal at any time, except as provided in paragraph (b) of this section.

[CGD 82-025, 49 FR 43462, Oct. 29, 1984]

§ 117.791 Hudson River.

(a) The draws of the bridges listed in this section shall open as soon as possible at any time for the passage of the following vessels:

(1) Downbound vessels during a freshet of a height exceeding an elevation determined by the District Commander.

(2) Public vessels of the United States.

(3) State or local vessels used for public safety.

(4) Vessels of 500 tons or more.

(5) Tugs with a tow on a hawser.

(b) The draws of the bridges listed in this section shall not remain open for more than 15 minutes and may remain closed for up to 10 minutes to allow accumulated land traffic to pass.

(c) The draw of the Conrail bridge, mile 146.2 between Albany and Rensselaer, shall open on signal; except that, from December 16 through March 31, the draw shall open on signal if at least 24 hours notice is given.

(d) The draw of the state highway bridge, mile 150.2 between Troy and Menands, need not be opened for the passage of vessels.

(e) The draw of the highway bridge, mile 152.7 between Troy and Green Island, operates as follows:

(1) From April 1 through December 15, the draw shall open on signal from 9 a.m. to 4 p.m.; except that, the draw need not be opened from 6 p.m. to 7 a.m., unless notice is given before 4:30 p.m. of the time the vessel is expected to pass, and need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(2) From December 16 through March 31, the draw need not be opened.

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(f) The draws of the 112th Street bridge, mile 155.4 between Troy and Cohoes operate as follows:

(1) The draws shall open on signal from 9 a.m. to 4 p.m.

(2) The draws shall open on signal from 6 p.m. to 7 a.m., if notice is given, before 4:30 p.m., of the time the vessel is expected to pass.

(3) The draws need not be opened from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(4) During the period that the Federal Lock at Troy is inoperative, the draws need not be opened for the passage of vessels, provided that emergency openings be made as soon as possible.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended at 49 FR 43462, Oct. 29, 1984, CGD3 85-42, 50 FR 26713, June 28, 1985]

§ 117.793 Hutchinson River.

The draws of the Hutchinson River Parkway bridge, mile 0.9, and the New England Thruway (I-95) bridge, mile 2.2, both at New York City, shall open on signal if at least six hours notice is given.

§ 117.795 Jamaica Bay and Connecting Waterways.

(a) The draw of the Marine Parkway bridge, mile 3.0 over Rockaway Inlet, shall open on signal Monday through Friday from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal if at least eight hours notice is given; however, the draw shall open on signal if at least a one hour notice is given for the passage of U.S. Navy or National Oceanic and Atmospheric Administration vessels.

(b) The draws of the New York City highway bridge, mile 0.8 across Mill Basin on Belt Parkway, need not be opened for the passage of vessels from noon to 9 p.m. on Sundays from May 15 to September 30, and on Memorial Day, Independence Day, and Labor Day. However, on these days, from two hours before to one hour after predicted high tide, the draw shall open on signal. For the purpose of this section, predicted high tide occurs 15 minutes later than that predicted for Sandy Hook, as given in the tide tables published by the National Oceanic and Atmospheric Administration. At all

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times, public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(c) The draws of the New York City Cross Bay Boulevard bridge, mile 10.0, and the New York City Transit Authority bridge, mile 10.6 both across the North Channel at Hamilton Beach, need not be opened for the passage of vessels.

[CGD3 85-42, 50 FR 26713, June 28, 1985]

§ 117.797 Lake Champlain.

(a) The draw of each bridge listed in this section shall open as soon as possible for public vessels of the United States and vessels of the Vermont Fish and Game Department.

(b) The draw of the US2 bridge, mile 91.8 between Sandy Island and North Hero Island, shall open on signal—

(1) From May 15 through October 15 from 7 a.m. to 9 p.m.

(2) From May 15 through October 15 from 9 p.m. to 7 a.m. if at least four hours notice is given; and

(3) From October 16 through May 14 if at least 24 hours notice is given.

(c) The draw of the Central Vermont Railway bridge across Missisquoi Bay, mile 105.6 shall open on signal:

(1) From June 15 through September 15:

(i) Monday through Friday from 9 a.m. to 5 p.m.;

(ii) Saturdays, Sundays, Independence Day and Labor Day from 7 a.m. to 11 p.m.;

(iii) At all other times, if at least two hours notice is given.

(2) From September 16 through June 14 if at least 24 hours notice is given.

(d) The draw of the SR78 bridge, mile 105.9 across the entrance to Missisquoi Bay between Alburg Tongue and Hog Island at East Alburg, shall open on signal if at least 24 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD3 83-059, 49 FR 49452, Dec. 20, 1984]

§ 117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

(a) At all times, public vessels of the United States, state or local vessels used for public safety and vessels in distress shall be passed through the draws of each bridge listed in this section as soon as possible.

(b) The draw of each bridge listed in this section need not be opened for sailing vessels, unless the vessels are under machinery power or under tow, if an opening would unduly delay other vessel or vehicular traffic.

(c) The owners of the bridges listed in this section shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridges that they are plainly visible to operators of vessels approaching the bridges either up or downstream.

(d) The draws of the West Bay bridge, mile 0.1 across Quantuck Canal, Beach Lane bridge, mile 1.1 across Quantuck Canal, Quoque bridge, mile 1.1 across Quoque Canal, the Smith Point bridge, mile 6.1 across Narrow Bay, and Ponquoque Point bridge, mile 78.0 across Shinnecock Bay, shall open on signal from October 1 through April 30 from 8 a.m. to 4 p.m. and from May 1 through September 30 from 6 a.m. to 10 p.m. At all other times during these periods, the draws shall open as soon as possible but no more than one hour after a request to open is received.

(e) The draw of the Atlantic Beach Bridge across Reynolds Channel, mile 0.4, shall open on signal—

(1) From October 1 through May 14;

(2) From May 15 through September 30, except that it need be opened only on the hour and half-hour from 4 p.m. to 7 p.m. on weekdays and from 11 a.m. to 9 p.m. on Saturdays, Sundays, Memorial Day, Independence Day, and Labor Day; and

(3) From May 15 through September 30, from two hours before to one hour after predicted high tide. Predicted high tide occurs 10 minutes earlier than that predicted for Sandy Hook, as given in the tide table published by

the National Oceanic and Atmospheric Administration.

(f) The draw of the Loop Parkway Bridge across Long Creek, mile 0.7, shall open on signal every other hour on the even hour; except that, from April 1 through October 31 on Saturdays, Sundays, and Federal holidays, the draw shall open on signal every three hours beginning at 3 a.m. If an opening is desired at other than a scheduled time, notice may be given from the telephone located on either side of the bridge or via marine radiotelephone.

(g) The draw of the Long Beach Bridge across Reynolds Channel, mile 4.7, shall open on signal; except that:

(1) From midnight to 8 a.m. year-round, the draw shall open on signal if at least four hours notice is given; and

(2) From 3 p.m. to 8 p.m. on Saturdays, Sundays, and holidays from May 15 through September 30, the draw need be opened only on the hour and half hour.

(h) The draw of the Meadowbrook State Parkway bridge, mile 12.8 across Sloop Channel, shall open on signal if at least one half hour notice is given to the New York State Department of Transportation, as follows:

(1) Every other hour on the even hour.

(2) From April 1 through October 31 on Saturdays, Sundays, and Federal holidays, every three hours beginning at 1:30 a.m. Notice may be given from the telephone located at the moorings on each side of the bridge or by marine radiotelephone.

(i) The draws of the Wantagh State Parkway bridge, mile 16.1 across Goose Creek, and the Captree State Parkway bridge, mile 30.7 across State Boat Channel at Captree Island, shall open on signal if at least one half hour notice is given to the New York State Department of Transportation, as follows:

(1) Every other hour on the even hour.

(2) From April 1 through October 31 on Saturdays, Sundays, and Federal holidays, every three hours beginning at 3 a.m. Notice may be given from the telephone located at the moorings on each bridge or by marine radiotelephone.

§ 117.801

[CGD3 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD3 84-51, 50 FR 2546, Jan. 17, 1985]

§ 117.801 Newtown Creek (East Branch).

The draw of the Grand Street bridge, mile 3.1 at New York City, shall open on signal; except that, from Monday through Saturday except holidays, the draw need not be opened from 6:45 a.m. to 7 a.m., 7:15 a.m. to 7:30 a.m., 7:45 a.m. to 8 a.m., 4:30 p.m. to 4:45 p.m., and 5 p.m. to 5:15 p.m.

§ 117.803 Niagara River.

The draw of the Canadian National Railway bridge, mile 33.0 at Buffalo, need not be opened for the passage of vessels.

§ 117.805 Peekskill (Annville) Creek.

The draw of the Conrail bridge, mile 0.0 at Peekskill, need not be opened for the passage of vessels.

§ 117.807 Richmond Creek.

The draw of the Richmond Avenue bridge, mile 2.0 at New York City, need not open for the passage of vessels.

§ 117.809 Tonawanda Creek.

The draw of the Penn Central Corporation railroad bridge, mile 0.1 at Tonawanda, is permanently maintained in the open position.

§ 117.811 Tonawanda Harbor.

The draw of the Tonawanda Island Railroad bridge, mile 0.2 between North Tonawanda and Tonawanda Island, shall open on signal if at least 24 hours notice is given.

§ 117.813 Wappinger Creek.

The draw of the Metro-North Commuter railroad bridge, mile 0.0 at New Hamburg, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

§ 117.815 Westchester Creek.

The draw of the Bruckner Boulevard bridge, mile 1.7, shall open on signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through

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Friday, the draw need not be opened for the passage of vessels. Public vessels of the United States, state or local vessels used for public safety, or vessels in distress shall be passed without delay. The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than nine inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

NORTH CAROLINA

§ 117.821 Atlantic Intracoastal Waterway, Albemarle Sound to Sunset Beach.

(a) The drawbridges over the Atlantic Intracoastal Waterway in North Carolina shall open on signal for public vessels of the United States, state and local government vessels, commercial vessels, and any vessel in an emergency involving danger to life or property.

(b) The drawbridges over the Atlantic Intracoastal Waterway in North Carolina shall open on signal for pleasure vessels, except that the following drawbridges may remain closed to pleasure vessels if they open on signal for waiting pleasure vessels at the times and during the periods specified below:

(1) S.H. 94 bridge, mile 113.7, at Fairfield, NC, from April 1 to November 30, between 7:00 a.m. and 7:00 p.m., must open if signaled on the hour and half hour.

(2) S.R. 304 bridge, mile 157.2, at Hobucken, NC, from April 1 to November 30, between 7:00 a.m. and 7:00 p.m., must open if signaled on the hour and half hour.

(3) S.R. 101 bridge, mile 195.8, at Beaufort (Core Creek), NC, from April 1 to November 30, between 6:00 a.m. and 7:00 p.m., must open if signaled on the hour and half hour.

(4) S.R. 50 bridge, mile 260.7, at Surf City, NC, between 7:00 a.m. and 7:00

p.m., must open if signaled on the hour.

(5) S.R. 74 bridge, mile 283.1, at Wrightsville Beach, NC, between 7:00 a.m. and 7:00 p.m., must open if signaled on the hour.

(6) NC 50 bridge, mile 337.9, at Sunset Beach, NC, from April 1 to October 31, between 7:00 a.m. and 7:00 p.m., must open if signaled on the hour.

(c) If a pleasure vessel is approaching a drawbridge, which is only required to open on the hour or on the hour and half hour, and cannot reach the draw on the hour or half hour, the drawtender may delay the required opening up to 10 minutes past the hour or half hour.

[CGD5 88-003, 53 FR 8752, Mar. 17, 1988, as amended by CGD5-88-043, 53 FR 26249, July 12, 1988; CGD5-88-39, 53 FR 49982, Dec. 13, 1988]

§ 117.822 Beaufort Channel, North Carolina

(a) From May 1 to October 31, the draw shall open on signal every hour on the half hour from 7:30 a.m. to 7:30 p.m. for the passage of pleasure craft. To accommodate approaching pleasure craft, the hourly opening may be delayed up to 10 minutes past the half hour.

(b) The draw shall open on signal for public vessels of the United States, state and local governments, commercial vessels, and any vessel in an emergency involving danger to life or property.

[CGD5 87-032, 52 FR 46081, Dec. 4, 1987]

§ 117.823 Neuse River.

(a) The draw of the U.S. 17 bridge, mile 33.7, at New Bern:

(1) Need not open from 6:30 a.m. to 6:30 a.m. and from 4:00 p.m. to 6:00 p.m., Monday through Friday, for pleasure vessels. However, the draw shall open at 7:30 a.m. and 5:00 p.m., for any vessel waiting to pass.

(2) Need not open from 2:00 p.m. to 7:00 p.m. from May 24 through September 8, on Sundays and Federal holidays, for pleasure vessels. However, the draw shall open at 4:00 p.m. and 6:00 p.m., for any vessel waiting to pass.

(3) Shall always open on signal for public vessels of the United States, State or local vessels used for public safety, tugs with tows, vessels in distress.

(4) Shall open on signal at all other times.

(b) The draw of the Atlantic and East Carolina Railway bridge, mile 80.0 at Kinston, shall open on signal if at least 24 hours notice is given.

[CGD62-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD5-88-054, 54 FR 3778, Jan. 26, 1989]

§ 117.825 Newport River.

The draw of the Atlantic and East Carolina Railway bridge, mile 13.0 at Newport, need not be opened for the passage of vessels.

§ 117.827 New River.

The draw of the Seaboard System Railroad bridge, mile 21.1 at Jacksonville, shall open on signal if at least 24 hours notice is given.

§ 117.829 Northeast River.

The draw of the Seaboard System Railroad bridge across the Northeast River, 27.0, at Castle Hayne, North Carolina shall open on signal if at least 4 hours notice is given.

[CGD-84-05, 50 FR 14702, Apr. 15, 1985]

§ 117.831 Pamlico and Tar Rivers.

The draws of the US17-264 bridge, mile 37.2 at Washington, and the Boyds Ferry bridge, mile 44.8 at Grimesland, shall open on signal if at least 24 hours notice is given. The bridge owners shall restore constant attendance when so directed by the District Commander.

§ 117.833 Pasquotank River.

The draw of the Southern railroad bridge, mile 47.7 at Elizabeth City, is maintained in the open position from 3:30 p.m. to 11:30 p.m. At all other times, the draw shall open on signal.

§ 117.835 Perquimans River.

The draw of the US17 bridge, mile 12.0 at Hertford, shall open on signal from 8 a.m. to midnight from April 1 through September 30 and from 10

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a.m. to 10 p.m. from October 1 through March 31. The draw need not be opened at all other times.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.837 Roanoke River.

(a) The draw of the US17 bridge, mile 37.5 at Williamson, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Seaboard System Railroad bridge, mile 94.0 at Palmyra, need not be opened for the passage of vessels.

§ 117.838 Roanoke Sound.

(a) The draw of the U.S. 64/264 bridge, mile 2.8, at Manteo, NC, shall open on signal, except that between May 1 through October 31, from 7:00 a.m. to 7:00 p.m., the draw must open only on the hour for the passage of vessels.

(b) To accommodate approaching vessels, the hourly opening may be delayed up to 10 minutes past the hour.

(c) Public vessels of the United States and any vessel in an emergency involving danger to life or property shall be passed at any time.

[CGD5-88-025, 54 FR 4280, Jan. 30, 1989]

§ 117.839 Scuppernong River.

The draw of the US64 bridge, mile 4.5 at Columbia, shall open on signal if at least 24 hours notice is given. Public vessels of the United States, commercial fishing vessels unable to pass the closed draw, or vessels in an emergency involving danger to life or property shall be passed as soon as possible.

§ 117.841 Smith Creek.

The draw of the S117-S133 bridge, mile 1.5 at Wilmington, shall open on signal if at least 24 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.843 Trent River.

(a) The draw of the U.S. 70 bridge, mile 0.0, at New Bern:

(1) Need not open from 6:30 a.m. to 8:30 a.m. and from 4:00 p.m. to 6:00 p.m., Monday through Friday, for

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pleasure vessels. However, the draw shall open at 7:30 a.m. and 5:00 p.m. for any vessel waiting to pass.

(2) Need not open from 2:00 p.m. to 7:00 p.m. from May 24 through September 8, on Sundays and Federal holidays, for pleasure vessels. However, the draw shall open at 4:00 p.m. and 6:00 p.m. for any vessel waiting to pass.

(3) Shall always open on signal for public vessels of the United States, State or local vessels used for public safety, tugs with tows, and vessels in distress.

(4) Shall open on signal at all other times.

(b) The draws of the Seaboard System Railroad bridge, mile 18.0 near Pollocksville, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD5-88-53, 54 FR 1361, Jan. 13, 1989]

OHIO

§ 117.847 Ashtabula River.

(a) The draw of the Fifth Street bridge, mile 1.4 at Ashtabula, shall open on signal for the passage of commercial and emergency vessels and on the hour and half hour for all other vessels.

(b) The draw of the Conrail bridge, mile 2.2 at Ashtabula, shall open on signal from April 1 through November 30 from 7 a.m. to 11 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given.

§ 117.849 Muskingum River (Zanesville Canal).

The draw of the Conrail bridge, mile 77.1 at Zanesville, shall open on signal Tuesday through Friday if the Conrail office is notified by 12:01 p.m. on the day preceding the day the opening is required. For openings Saturday through Monday, the Conrail office shall be notified by 12:01 p.m. on Friday specifying which day and time the opening is required. In case of emergency, the draw shall open as soon as possible.

§ 117.850 Black River.

The draw of the Erie Avenue bridge, mile 0.6, at Lorain shall open on signal except as follows:

(a) From April 1 through December 31—

(1) From 7 a.m. to 6 p.m., Monday through Friday, except legal holidays, the draw need open only on the hour and half-hour for pleasure craft; however, the draw need not open for pleasure craft at 8 a.m., 3 p.m., 4 p.m. and 5 p.m. For commercial vessels the draw shall open on signal as soon as possible.

(2) From 11 a.m. to 6 p.m., Saturdays, Sundays and legal holidays, the draw need open only on the hour and half-hour for pleasure craft. For commercial vessels the draw shall open on signal as soon as possible.

(3) From 11 p.m. to 7 a.m., seven days a week and legal holidays, no bridgetender is required to be in constant attendance and the bridge shall open on signal for pleasure craft and commercial vessels if at least a one hour advance notice is given.

(b) From January 1 through March 31, the draw shall open on signal for pleasure craft and commercial vessels if at least a twelve hour advance notice is given.

(c) At all times, the draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety and vessels in distress.

[CGD09 86-01, 51 FR 28380, Aug. 7, 1986]

§ 117.851 Portage River.

(a) Public vessels of the United States, State or local government vessels used for public safety, vessels in distress and vessels seeking shelter from rough weather shall be passed through the draws listed in this section as soon as possible. Except as provided in paragraph (c)(1)(ii) with respect to the Monroe Street bridge, commercial vessels shall be passed through the draws of this section as soon as possible.

(b) The owners of the bridges listed in this section shall provide and keep in good legible condition two board signs painted white with black figures to indicate the vertical clearance

under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(c) The draw of the Monroe Street bridge, mile 0.4 at Port Clinton, shall open as follows:

(1) From May 1 through November 30—

(i) Between the hours of 12 midnight and 6 a.m., the draw shall open on signal.

(ii) Between the hours of 6 a.m. and 12 midnight, the draw shall open on signal. However, the draw need not open on signal during this time for recreational craft and commercial vessels licensed to carry fifteen or less passengers, or less than ten gross tons, unless in distress or seeking shelter from rough weather. For these vessels, the draw need open only from three minutes before to three minutes after the hour and half-hour.

(2) From December 1 through April 30, the draw shall open on signal if at least 24 hours' notice is given.

(d) The draw of the Conrail bridge, mile 1.5 at Port Clinton, shall open on signal. However, from December 1 through April 30, the draw shall open on signal if at least 24 hours' notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD09 89-07, 54 FR 41965, Oct. 13, 1989]

§ 117.853 Sandusky Bay.

The draw of the Conrail bridge, mile 3.5 at Sandusky, shall open on signal from April 1 through October 31 and from November 1 through November 30 from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal if at least 24 hours notice is given to the Chief Dispatcher, Central Union Terminal, Toledo.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 0990-08, 55 FR 10769, Mar. 23, 1990]

§ 117.855 Maumee River.

(a) The draw of the Craig Memorial highway bridge, mile 3.30, at Toledo, shall operate as follows:

(1) From April through December 20—

(i) Between the hours of 7 a.m. and 11 p.m., the draw need open only from three minutes before to three minutes after the hour and half-hour with no opening required at 7:30 a.m. and 4:30 p.m. for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

(ii) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for commercial vessels and pleasure craft.

(2) From December 21 through March 31, no bridgetenders are required to be on duty at the bridge and the draw shall open on signal from December 21 through December 31, if at least a four hour advance notice is given and from January 1 through March 31, if at least a twelve hour advance notice is given.

(b) The draw of the Cherry Street highway bridge, mile 4.30 at Toledo, shall operate as follows:

(1) From April 1 through December 20—

(i) Between the hours of 7 a.m. and 11 p.m., the draw need open only from three minutes before to three minutes after the quarter and three-quarter hour with no opening required at 7:45 a.m. and 4:45 p.m. for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

(ii) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for commercial vessels and pleasure craft.

(2) From December 21 through March 31, no bridgetenders are required to be at the bridge and the draw shall open on signal from December 21 through December 31, if at least a four hour advance notice is given and from January 1 through March 31, if at least a twelve hour advance notice is given.

(c) The draws of the Chessie System railroad bridge, mile 1.07, Norfolk and Western railroad bridge, mile 1.80 and Conrail railroad bridge, mile 5.76, all at Toledo, shall operate as follows:

(1) From April 1 through December 20, the draws shall open on signal for all vessels.

(2) From December 21 through March 31, no bridgetenders are required to be at the bridges and the draws shall open on signal for commercial vessels and pleasure craft from December 21 through December 31, if at least a four hour advance notice is given and from January 1 through March 31, if at least a twelve hour advance notice is given.

(d) At all times, the bridges listed in this section shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety and vessels in distress.

[CCGD08 86-11, 51 FR 39858, Nov. 3, 1986]

OREGON

§ 117.861 Blind Slough.

The draws of the Burlington Northern railroad bridge, mile 1.1 at Knappa, shall open on signal if at least one hour notice is given. However, the draw shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon) for the Columbia River Fishery below Bonneville Dam.

§ 117.863 Catching Slough.

The draw of the secondary highway bridge, mile 1.0 near Eastside, shall open on signal if at least 48 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.865 Clatskanie River.

The draw of the Burlington Northern railroad bridge, mile 0.7 at Clatskanie, shall open on signal if at least one hours notice is given. However, the draw shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon) for the Columbia River Fishery below Bonneville Dam.

§ 117.867 Coalbank Slough.

The draws of the Southern Pacific railroad bridge, mile 0.1, and the US101 highway bridge, mile 0.2, both at Coos Bay, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

§ 117.869 Columbia River.

(a) The draw of the Interstate 5 bridge, mile 106.5 at Vancouver, shall open on signal; except that, from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels.

(b) The draw of the Port of Hood River bridge, mile 169.8 at Hood River, shall open on signal if at least 12 hours notice is given.

(c) The draw of the Burlington Northern railroad bridge, mile 201.2, between Celilo, Oregon, and Wishram, Washington, is automated and is normally maintained in the fully open-to-navigation position.

(1) *Lights.* All lights required for automated operation shall be visible to marine traffic for a distance of at least 2 miles and shall be displayed at all times, day and night.

(i) When the draw is fully open, a steady green light shall be displayed at the center of the drawspan on both upstream and downstream sides.

(ii) When the draw is not fully open, a steady red light shall be displayed at the center of the drawspan on both upstream and downstream sides.

(iii) When the draw is about to close, flashing yellow lights in the form of a down-pointing arrow shall be displayed at the center of the drawspan on both upstream and downstream sides.

(2) *Operation.* When a train approaches the bridge, the yellow lights shall start flashing. After an 8-minute delay, the green lights shall change to red, the drawspan shall lower and lock, and the yellow lights shall be extinguished. Red lights shall continue to be displayed until the train has crossed and the drawspan is again in the fully open position. At that time, the red lights shall change to green.

(3) Vessels equipped with radiotelephones may contact Burlington Northern to obtain information on the status of the bridge. Bridge status information also may be obtained by calling the commercial telephone number posted at the drawspan of the bridge.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CCGD13 85-02, 50 FR 31591, Aug. 5, 1985]

§ 117.871 Coos Bay.

The draw of the Southern Pacific railroad bridge, mile 9.0 at North Bend, shall be maintained in the fully open position, except for the crossing of trains or for maintenance. During foggy weather, a fog bell installed in the center of the draw shall be rung continuously, striking every 10 seconds. At any time during foggy weather when the draw is closed and passage is not clear for vessels, a siren shall be sounded continuously. The siren shall be capable of being heard at a distance of one mile from the draw. When the bridge is again opened, the siren shall be stopped, indicating that the way is clear for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.873 Coos River.

The draw of the Oregon State secondary highway bridge, mile 2.2 near Eastside, shall open on signal if at least 12 hours notice is given.

§ 117.875 Coquille River.

(a) The draws of the US101 highway bridge, mile 3.5 at Bandon, shall open on signal if at least two hours notice is given to the Coos Bay South Slough bridge attendant.

(b) The draws of the Oregon Secondary highway bridge, mile 24.0 at Coquille, shall open on signal if at least 48 hours notice is given.

§ 117.879 Isthmus Slough.

The draw of the Oregon State secondary highway bridge, mile 1.0, at Coos Bay, shall open on signal if at least 24 hours notice is given.

[CGD13-88-19, 54 FR 3448, Jan. 24, 1989]

§ 117.881

§ 117.881 John Day River.

(a) The draw of the Burlington Northern railroad bridge, mile 0.0 near Astoria, shall open on signal if at least one hour notice is given. However, the draw shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon) for the Columbia River Fishery below Bonneville Dam.

(b) The draw of the US30 highway bridge, mile 1.0 near Astoria, shall open on signal if at least 48 hours notice is given.

§ 117.885 Nehalem River.

The draw of the US101 highway bridge, mile 6.5 at Nehalem, need not open for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

§ 117.887 Oregon Slough (North Portland Harbor).

The draw of the Burlington Northern railroad bridge, mile 3.2 at Portland, shall open on signal if at least one half hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 84-13, 49 FR 35627, Sept. 11, 1984]

§ 117.889 Suislaw River.

(a) The draw of the US101 bridge, mile 5.0 at Florence, shall open on signal if at least two hours notice is given.

(b) The draw of the Southern Pacific railroad bridge, mile 8.0 near Cushman, shall open on signal if at least 24 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.891 Skipanon River.

The draw of the Burlington Northern railroad bridge, mile 1.9, at Warrenton, shall be maintained in the fully open position, except for the crossing of trains or other railroad equipment, or when maintenance to the drawspan is being performed.

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When the draw is closed and visibility at the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two prolonged blasts every minute. When the draw is reopened, the drawtender shall sound one prolonged blast followed by one short blast.

[CGD13 84-13, 49 FR 35627, Sept. 11, 1984]

§ 117.892 South Slough.

The draw of the Oregon State highway bridge across South Slough at Charleston shall open on signal for the passage of vessels, except that between the hours of 7 a.m. and 7 p.m., from June 1 through September 30, the draw need be opened only on the hour and half-hour. This exception shall not apply to vessels in distress, commercial tugs and/or tows, or public vessels of the United States.

[CGD13 84-14, 49 FR 35498, Sept. 10, 1984]

§ 117.893 Umpqua River.

(a) The draw of the US 101 bridge, mile 11.1, at Reedsport, shall open on signal from 8 a.m. to 4 p.m. Monday through Friday. At all other times, the draw shall open on signal if at least four hours notice is given.

(b) The draw of the Southern Pacific railroad bridge, mile 11.5 at Reedsport, shall be maintained in the fully open position, except for the crossing of trains or other railroad equipment or for maintenance. During foggy weather when the draw is closed and the channel is not clear for the passage of vessels, a fog horn with an audible range of one-half mile from the draw shall be sounded. Two clear signals of approximately six seconds duration each, repeated at intervals of 60 seconds from completion of the second signal to commencement of the next signal, shall be sounded and repeated from commencement of closure to full opening of the draw. When the draw is again in the open position, the fog horn shall be stopped, indicating that the channel is clear for the passage of vessels.

(c) The draw of the US101 bridge across the side channel of the Umpqua River, mile 11.1 near Reedsport, need

not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 84-13, 49 FR 35628, Sept. 11, 1984]

§ 117.895 Wallooskee River.

The draw of the Oregon State secondary highway bridge, mile 1.0 near Astoria, shall open on signal if at least 48 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.897 Willamette River.

(a) The draw of the following bridges operate as follows:

(1) The draws shall open on signal except that from 7 a.m. to 8:30 a.m. and 4 p.m. to 5:30 p.m. except Saturdays, Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day or other days observed instead of these days under State law, the draws need not be opened for the passage of vessels. On weekdays, Monday through Friday, from 8 a.m. to 4:30 p.m., at least one hour notice shall be given for openings of the Burnside Bridge and Morrison Bridge. At all other times, at least two hours notice shall be given. Notice shall be given by marine radio, telephone, or other means to the drawtender at the Broadway Bridge for vessels bound upstream and to the drawtender at the Hawthorne Bridge for vessels bound downstream. During Rose Festival Week or when the water elevation reaches and remains above +12 feet, the draws will open on signal without advance notice, except during the normal closed periods identified above. Opening signals are as follows:

(i) Broadway Bridge, Portland, mile 11.7, two prolonged followed by one short blast.

(ii) Steel Bridge, Portland, mile 12.1, one prolonged followed by one short blast.

(iii) Burnside Bridge, Portland, mile 12.4, one prolonged followed by two short blasts.

(iv) Morrison Bridge, Portland, mile 12.8, one prolonged followed by three short blasts.

(v) Hawthorne Bridge, Portland, mile 13.1, one prolonged followed by four short blasts.

(2) The closed periods do not apply to harbor patrol or fire boats answering calls and, for the Broadway Bridge only, oceangoing vessels of 750 gross tons or over.

(3) Signals to open shall be given by vessels at a distance of at least 1,000 feet from the bridge, except in case of a vessel leaving a wharf or anchorage or when waiting less than 1,000 feet from the bridge. In these cases, the signal must be given early enough to allow the operator of the bridge sufficient time in which to clear and open the draw before arrival of the vessel.

(4) In case two vessels which are approaching from opposite directions meet at or near the bridge, the vessel bound downstream has the right of way.

(b) The draws of the Southern Pacific railroad bridges, mile 84.3, at Salem; mile 119.6, at Albany; and mile 164.3, near Harrisburg, need not open for the passage of vessels. However the draws shall be returned to operable condition within six months after notification by the District Commander to do so.

(c) The draw of the Oregon State highway bridge, mile 132.1, at Corvallis, shall open on signal if at least seven days notice is given. However the draw need not be opened on Saturdays, Sundays, and Federal holidays.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 84-13, 49 FR 35628, Sept. 11, 1984]

§ 117.899 Youngs Bay and Lewis and Clark River.

(a) The draw of the US101 (New Youngs Bay) highway bridge, mile 0.7, across Youngs Bay at Smith Point, shall open on signal for the passage of vessels from 5 a.m. to 9 p.m. At all other times the draw shall open on signal if at least one half hour's notice is given to the drawtender at the New Youngs Bay bridge by marine radio, telephone, or other suitable means. The opening signal is two prolonged blasts followed by two short blasts.

(b) The draw of the Oregon State (Old Youngs Bay) highway bridge,

mile 2.4, across Youngs Bay at the foot of Fifth Street, shall open on signal if at least one half hour's notice is given. Requests shall be made to the drawtender at the Lewis and Clark River bridge by marine radio, telephone or other suitable means between the hours of 5 a.m. and 9 p.m. At all other times the request shall be made to the operator of the New Youngs Bay bridge. The opening signal is two prolonged blasts followed by one short blast.

(c) The draw of the Oregon State highway bridge, mile 1.0, across the Lewis and Clark River, shall open on signal if at least one half hour's notice is given from 5 a.m. to 9 p.m. At all other times requests for opening shall be given to the operator of the New Youngs Bay bridge by marine radio, telephone, or other suitable means at least one half hour in advance. The opening signal is one prolonged blast followed by four short blasts.

[CGD13 88-20, 53 FR 38717, Oct. 3, 1988]

PENNSYLVANIA

§ 117.901 Chester Creek.

The draw of the Front Street bridge, mile 0.1 at Chester, shall open on signal if at least 24 hours notice is given.

§ 117.903 Darby Creek.

(a) The owners of the bridges on this waterway shall provide and keep in good legible condition two board gages painted white with black figures, nine inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(b) The draw of the Conrail railroad bridge, mile 0.3, and the Reading railroad bridge, mile 0.3 both at Easington, shall operate as follows:

(1) From May 15 through October 15:

(i) From 11 p.m. to 7 a.m., the draw need not be opened for the passage of vessels.

(ii) Between 7 a.m. and 11 p.m., the draw shall open on signal at 7:15 a.m., 10:30 a.m., 1 p.m., 3 p.m., 7:30 p.m., and

10:30 p.m. and at all other times during these hours, if an opening will not unduly delay railroad operations.

(2) From October 16 through May 14, the draws shall open on signal if at least 24 hours notice is given.

(3) Any vessel which has passed through one of these bridges shall be passed through the draw of the other bridge without delay. When open for the passage of any vessel, these bridges shall remain open sufficiently long to permit the passage through both bridges of all vessels waiting to pass.

(4) The draws shall open as soon as possible for an emergency or vessel in distress.

[CGD3 85-42, 50 FR 26714, June 28, 1985]

§ 117.904 Delaware River.

The following requirements apply to all drawbridges across the Delaware River:

(a) The draws of railroad bridges need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, or within five minutes of the known time of the passage of a scheduled passenger train.

(b) The opening of a bridge may not be delayed more than five minutes for a highway bridge or 10 minutes for a railroad bridge, after the signal to open is given.

(c) The owners of drawbridges shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

[CGD 82-025, 49 FR 43462, Oct. 29, 1984]

§ 117.905 Schuylkill River.

(a) The following requirements apply to all drawbridges across the Schuylkill River:

(1) The draws of railroad bridges need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing

ing, or within five minutes of the known time of the passage of a scheduled passenger train.

(2) The opening of a bridge may not be delayed more than five minutes for a highway bridge or 10 minutes for a railroad bridge, after the signal to open is given.

(3) The owners of drawbridges shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(b) The Passyunk Avenue bridge, mile 3.5 at Philadelphia, shall open on signal at all times if at least four hours notice is given. Public vessels of the United States shall be passed as soon as possible at any time.

(c) The draw of the Conrail bridge, mile 5.5 at Grays Ferry Avenue, Philadelphia, shall open on signal; except that, on Saturdays and Sundays, the draw shall open on signal if at least two hours notice is given. Public vessels of the United States shall be passed as soon as possible at any time.

(d) The draw of the University Avenue bridge, mile 6.2 at Philadelphia, shall open on signal at all times if at least two hours notice is given. Public vessels of the United States shall be passed as soon as possible at any time.

(e) The draw of the Conrail bridge, mile 6.4 near Christian Street, Philadelphia, shall open on signal if at least two hours notice is given.

(CGD 82-025, 49 FR 43462, Oct. 29, 1984)

RHODE ISLAND

§ 117.907 Providence River.

The draw of the US1 (Point Street) bridge, mile 7.5 at Providence, need not be opened for the passage of vessels from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. At all other times, the draw shall open on signal if at least 24 hours notice is given to the Director of Public Works, City Hall, Providence. Public vessels of the United States, state and local vessels used for public

safety, loaded, self-propelled cargo vessels, and assisting tugs shall be passed as soon as possible.

SOUTH CAROLINA

§ 117.911 Atlantic Intracoastal Waterway, Little River to Savannah River.

(a) *General.* Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed through the draw of each bridge listed in this section at anytime.

(b) *Socastee (SR544) bridge, mile 371 at Socastee.* The draw shall open on signal except that from April 1 through June 30 and October 1 through November 30 from 7 a.m. to 10 a.m. and 2 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need open only on the hour and half-hour. From May 1 through June 30 and October 1 through October 31 from 10 a.m. to 2 p.m., Saturdays, Sundays and Federal holidays, the draw need open only on the hour and half-hour.

(c) *Ben Sawyer (SR 703) bridge across Sullivan's Island Narrows, mile 462.2 between Sullivan's Island and Mount Pleasant.* The draw shall open on signal; except that, the draw need not open from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday except Federal holidays. On Saturdays, Sundays, and Federal holidays from 9 a.m. to 7 p.m. the draw need open only on the hour.

(d) *SR 171/700 bridge across Wappoo Creek Mile 470.8 at Charleston.* The draw shall open on signal, except that the bridge need not open from 6:30 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m. Monday through Friday, except federal holidays. From April 1 to November 30 from 9 a.m. to 4 p.m. Monday through Friday, except federal holidays, the bridge need not open except on the hour and half-hour. From April 1 to November 30, from 9 a.m. to 7 p.m., Saturdays, Sundays and Federal holidays, the bridge need not open except on the hour and half-hour.

(e) *John Limehouse bridge across the Stono River, mile 479.3 at Johns Island.* The draw shall open on signal;

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except that between 6:30 a.m. and 9 a.m., and 4 p.m. and 6:30 p.m., Monday through Friday except federal holidays the draw need open only on the hour and 30 minutes after the hour. Between 9 a.m. and 4 p.m., Monday through Friday except federal holidays, from March 15 to June 15, and from September 15 to November 15, the bridge need not be opened except on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(f) *Lady's Island bridge, across the Beaufort River, mile 536.0 at Beaufort.* The draw shall open on signal, except that from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Saturday, except Federal holidays, the draw need open only on the hour. During the months of April, May, June, September, October and November, from 9 a.m. to 4 p.m., Monday through Saturday, except Federal holidays, the draw need open only on the hour, 20 minutes after the hour and 40 minutes after the hour.

[CGD7 84-29, 50 FR 51250, Dec. 16, 1985, as amended by CGD7 85-55, 51 FR 12320, Apr. 10, 1986; CGD7 86-12, 51 FR 25054, July 10, 1986; CGD7 87-25, 52 FR 42648, Nov. 6, 1987; CGD7 87-18, 52 FR 44107, Nov. 18, 1987; CGD7-90-07, 55 FR 24231, June 15, 1990]

EFFECTIVE DATE NOTE: At 55 FR 24231, June 15, 1990, in § 117.911, paragraph (e) was revised, effective July 16, 1990. For the convenience of the user the superseded text appears as follows:

(e) *John Limehouse bridge across the Stono River, mile 479.3 at Johns Island.* The draw shall open on signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

§ 117.913 Ashepoo River.

The draw of the Seaboard System Railroad bridge, mile 32.0 at Ashepoo, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

§ 117.915 Ashley River.

(a) The draws of the US17 highway bridges, miles 2.4 and 2.5 at Charleston, shall open on signal; except that,

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from 7 a.m. to 9 a.m. Monday through Friday and 4 p.m. to 7 p.m. daily, the draws need be opened only if at least 12 hours notice is given. The draws of either bridge shall open as soon as possible for the passage of vessels in an emergency involving danger to life or property.

(b) The draw of the Seaboard System Railroad bridge, mile 12.0 near Drayton Hall, shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m., the draw shall open on signal if at least three hours notice is given.

§ 117.917 Battery Creek.

The draw of the State highway bridge, mile 2.1 between Beaufort and Parris Island, shall open on signal if at least 24 hours notice is given.

§ 117.921 Broad River.

(a) The draw of the S170 bridge, mile 14.0 near Beaufort, shall open on signal if at least 24 hours notice is given.

(b) The draw of the Seaboard System Railroad bridge, mile 17.0 near Whale Branch, shall open on signal if at least 24 hours notice is given.

§ 117.923 Congaree River.

The draw of the Southern Railway bridge, mile 4.3 at Moye's Station, shall open on signal if at least 24 hours notice is given.

§ 117.925 Cooper River.

The draw of the Seaboard System Railroad bridge, mile 42.8 near Cordesville, shall open on signal if at least six hours advance notice is given.

[CGD 7-85-24, 50 FR 37175, Sept. 12, 1985]

§ 117.927 Coosaw River (Whale Branch).

The draw of the Seaboard System Railroad bridge, mile 5.3 at Seabrook, and the draw of the US21 bridge, mile 7.0 at Beaufort, shall open on signal from 6 a.m. to 8 p.m. Monday through Friday if at least 24 hours notice is given. At all other times, the draw need not be opened for the passage of vessels.

§ 117.929 Durham Creek.

The removable span of the Seaboard System Railroad bridge, mile 1.7 at Bushy Park, shall be removed to allow the passage of dredges and construction equipment if at least 20 days notice is given. When notified by the City of Charleston of an emergency in the Bushy Park Reservoir, the span shall be removed as soon as possible to permit the passage of dredges and construction equipment.

§ 117.933 Pee Dee River.

The draws of the Seaboard System Railroad bridges, mile 72.6 near Poston and mile 107.2 near Pee Dee, need not be opened for the passage of vessels.

§ 117.935 Rantowles Creek.

The draw of the Seaboard System Railroad bridge, 1.1 near Rantowles, need not be opened for the passage of vessels.

§ 117.937 Savannah River.

The draw of the Seaboard System Railroad bridge, mile 60.9 at Clyo, shall open on signal from 6 a.m. to 11 a.m. and 12 noon to 3 p.m. At all other times, the draw shall open on signal if at least three hours notice is given. VHF radiotelephone communications are available at the drawtender's house and the dispatcher's office in Savannah, Georgia.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.939 Wando River.

The draw of the S41 bridge, mile 10.0 near Cainhoy, shall open on signal if at least 12 hours notice is given.

SOUTH DAKOTA

§ 117.941 Missouri River.

The draws of the US81 bridge, mile 806.7 at Yankton, and the Chicago and Northwestern Railroad bridge, mile 1066.5 at Pierre, need not be opened for the passage of vessels.

TENNESSEE

§ 117.943 Cumberland River.

The draw of the Seaboard System Railroad bridge over the Cumberland River, mile 126.5, at Clarksville, shall open on signal when the vertical clearance under the navigational span is 47 feet or less. The draw shall open on signal if at least two hours notice is given when the vertical clearance is greater than 47 feet. The draw need not be opened for a vessel that arrives at the bridge more than 30 minutes after the time specified in the notice, unless a second two hours notice has been given.

[CGD02 86-01, 51 FR 32319, Sept. 11, 1986]

§ 117.945 Hatchie River.

The draws of the Illinois Central Gulf railroad bridge, mile 35.0 at Covington, and the Seaboard System Railroad bridge, mile 71.0 at Brownsville, need not be opened for the passage of vessels.

§ 117.947 Obion River.

The draws of all bridges on the Obion River need not be opened for the passage of vessels.

§ 117.949 Tennessee River.

The draws of the Chief John Ross Bridge over the Tennessee River, mile 464.1, at Chattanooga, and the Southern Railway Bridge over the Tennessee River, mile 470.7, at Hixon, Tennessee, shall open on signal when the vertical clearance beneath the draw is 50 feet or less. When the vertical clearance beneath the draw is more than 50 feet, at least eight hours notice is required. When the operator of a vessel returning through the draw within four hours informs the drawtender of the probable time of return, the drawtender shall return one half hour before the time specified and promptly open the draw on signal for the vessel without further notice. If the vessel giving notice fails to arrive within one hour after the arrival time specified, whether upbound or downbound, a second eight hours notice is required. Clearance gages of a type acceptable to the Coast Guard shall be installed on both sides of each bridge.

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[CGD02 86-02, 51 FR 32320, Sept. 11, 1986; 51 FR 41894, Nov. 19, 1986]

TEXAS

§ 117.951 Arroyo Colorado River.

The draw of the S106 highway bridge, mile 22.5 at Rio Hondo, shall open on signal if at least 12 hours notice is given.

§ 117.953 Brazos River (Diversion Channel).

(a) The draw of the S36 highway bridge, mile 4.4 at Freeport, shall open on signal if at least 12 hours notice is given.

(b) The draw of the Missouri Pacific railroad bridge, mile 22.6 at Brazoria, need not be opened for the passage of vessels.

§ 117.955 Buffalo Bayou.

(a) The draw of the Lockwood Drive bridge, mile 2.3 mile at Houston, and all drawbridges downstream of it, shall open on signal if at least 24 hours notice is given.

(b) The draws of the Southern Pacific railroad bridge, mile 3.1, and the Houston Belt and Terminal railroad bridge, mile 4.3, need not be opened for the passage of vessels.

[CGD-8-89-11, 55 FR 2066, Jan. 22, 1990]

§ 117.957 Cedar Bayou.

The draw of the Missouri Pacific railroad automated bridge, mile 7.0 at Baytown, operates as follows:

(a) The draw shall be maintained at a vertical clearance of 81.4 feet above mean high water. Fixed green navigation lights shall be displayed in the center of the draw.

(b) When a train approaches the bridge, the navigation lights shall be changed from green to red, alternating flashing red lights turned on, and a horn sounded for six minutes. At the end of six minutes, the draw may be lowered and locked if the scanning equipment does not detect any object under the span. If the scanning equipment detects an obstruction, the draw shall be raised until the obstruction is cleared.

(c) After a train has cleared the bridge, the draw shall be raised to 81.4 feet above mean high water, the flash-

ing red lights stopped, and the navigation lights changed from red to green.

§ 117.959 Chocolate Bayou.

The draw of the Missouri Pacific railroad bridge, mile 11.4 at Liverpool, need not be opened for the passage of vessels.

§ 117.961 Clear Creek.

The draw of the Southern Pacific railroad bridge, mile 1.0 at Seabrook, shall be maintained in the fully open position except for the crossing of trains or for maintenance.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD8-86-7, 51 FR 30639, Aug. 28, 1986]

§ 117.963 Colorado River.

The draw of the highway bridge, mile 10.7 at Wadsworth, shall open on signal if at least 24 hours notice is given.

§ 117.965 Cow Bayou.

The draws of the Orange County highway bridge, mile 2.9 at West Orange, and the S87 bridge, mile 4.5 at Bay City, shall open on signal if at least six hours notice is given.

§ 117.967 Greens Bayou.

The draw of the Port Terminal Railroad Association railroad bridge, mile 2.8 at Houston, shall open on signal if at least four hours notice is given. The draw shall open on signal for three hours thereafter for returning down-bound vessels.

§ 117.969 Lavaca River.

The draws of the Missouri Pacific railroad bridge, mile 11.2, and the highway bridge, mile 11.2, both at Vanderbilt, shall open on signal if at least 48 hours notice is given. In emergencies, the draws shall open as soon as possible.

§ 117.971 Neches River.

The draw of the Atchison, Topeka and Santa Fe railroad bridge, mile 53.5 at Evadale, need not be opened for the passage of vessels.

§ 117.973 Nueces Bay.

The draw of the US181 bridge, mile 0.5 at Corpus Christi, need not be opened for the passage of vessels.

§ 117.975 Old Brazos River.

The draw of the Missouri Pacific railroad bridge, mile 4.4 at Freeport, shall be maintained in the fully open position, except for the crossing of trains or for maintenance.

§ 117.977 Pelican Island Causeway, Galveston Channel.

The draw of the Pelican Island causeway bridge, mile 356.1 across Galveston Channel at Galveston, shall open on signal; except that, from 7 a.m. to 8:30 a.m., 12 noon to 1 p.m., and 4:15 p.m. to 5:15 p.m. Monday through Saturday except Federal holidays, the draw need not be opened for the passage of vessels. Public vessels of the United States and vessels in distress shall be passed at any time.

§ 117.979 Sabine Lake.

The draw of the S82 bridge, mile 10.0 at Port Arthur, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least six hours notice is given to the Maintenance Construction Supervisor or the Maintenance Foreman at Port Arthur.

§ 117.981 Sabine River.

The draws of the Southern Pacific railroad bridge, mile 19.3 at Echo, the Kansas City Southern railroad bridge, mile 36.2 at Ruliff, and the Texas and Louisiana railroad bridge and the Louisiana S7 bridge, mile 40.8, both at Deweyville, shall open on signal if at least 24 hours notice is given.

§ 117.983 Sabine River (Old Channel) behind Orange Harbor Island.

The draw of the highway bridge, mile 9.5 at Orange, need not be opened for the passage of vessels.

[CGD 08-84-08, 50 FR 19527, May 9, 1985]

§ 117.984 San Bernard River.

The draw of the Missouri Pacific railroad bridge, mile 20.7 near Brazoria, shall open on signal; except that, from 10 a.m. to 2 p.m. and 10

p.m. to 2 a.m., the draw shall open on signal if at least three hours notice is given.

[CGD 08-84-14, 50 FR 15743, Apr. 22, 1985]

§ 117.987 Taylor Bayou.

The draws of the Southern Pacific railroad bridge, mile 2.0, and the S73 bridge, mile 10.2, both at West Port Arthur, need not be opened for the passage of vessels.

§ 117.989 Trinity River.

The draws of the Southern Pacific railroad bridges, mile 41.4 at Liberty and mile 117.3 at Goodrich, the Missouri Pacific railroad bridges, mile 54.8 at Kenefick and mile 181.8 at Riverside, and the Atchison Topeka and Santa Fe railroad bridge, mile 96.2 at Romayor, need not be opened for the passage of vessels.

[CGD-8-89-11, 55 FR 2066, Jan. 22, 1990]

§ 117.991 Victoria Channel.

The draw of the Missouri Pacific railroad automated bridge, mile 29.4 near Bloomington, operates as follows:

(a) The draw is not constantly manned and is normally in the down position, providing a vertical clearance of 22 feet above mean high water.

(b) Three prolonged blasts of a horn or whistle from an approaching vessel activates navigational approach detectors, located one-half mile upstream and downstream from the bridge. If the draw is inoperable, the vessel's sound signals activate an alarm to alert bridge maintenance crews.

(c) When a vessel interrupts the beam of a navigational approach detector, the draw opens to the fully raised position of 50 feet above mean high water for 10 minutes; a navigation warning siren sounds; a navigation light in the center of the draw changes from red to green; and indicator lights located one quarter mile of each side of the bridge change from red to yellow. However, if a train is approaching the bridge so closely that the train may not be safely stopped, the navigation light on the bridge and the indicator lights on either side of the bridge remain red and the draw re-

mains closed until the train has passed.

(d) Interruption of the detector beam located at the end of the bridge fender system cancels the existing time intervals and starts a new 10 minute interval during which the draw remains open. The draw remains open until the vessel clears the detector located at the opposite end of the fender system, or the 10 minute interval elapses, whichever occurs earlier.

(e) If a vessel is unable to reach the detectors located on the outer ends of the fender system before the draw closes, an additional signal of three prolonged blasts of a horn or whistle causes the draw to reopen and initiate a new 10 minute interval.

(f) If the draw is in the open position for the passage of a vessel and a train enters an approach circuit to the bridge, the bridge remains open for five minutes if the detector beam has been interrupted. If the detector beam has not been interrupted, the draw closes at the end of the original 10 minute opening period and will not reopen in response to the additional signal described in paragraph (e) of this section. After the train passes, the draw opens on signal for any waiting vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

VERMONT

§ 117.993 Lake Champlain.

(a) The draws of the bridges listed in this section shall open as soon as possible for the passage of public vessels of the United States and Vermont Fish and Game Department vessels.

(b) The draw of the US2 bridge, mile 91.8 between South Hero Island and North Hero Island, shall open on signal—

(1) From May 15 through October 15 from 7 a.m. to 9 p.m.;

(2) From May 15 through October 15 from 9 p.m. to 7 a.m. if at least four hours notice is given; and

(3) From October 16 through May 14 if at least 24 hours notice is given.

(c) The draw of the Central Vermont Railway bridge across Missisquoi Bay, mile 105.6 shall open on signal:

(1) From June 15 through September 15:

(i) Monday through Friday from 9 a.m. to 5 p.m.;

(ii) Saturdays, Sundays, Independence Day and Labor Day from 7 a.m. to 11 p.m.;

(iii) At all other times, if at least two hours notice is given.

(2) From September 16 through June 14, if at least 24 hours notice is given.

(d) The draw of the SR78 bridge, mile 105.9 between Alburg Tongue and East Alburg, shall open on signal if at least 24 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 83-059, 49 FR 44268, Nov. 5, 1984]

VIRGINIA

§ 117.995 Appomattox River.

The draw of the Seaboard System Railroad bridge, mile 2.5 at Hopewell, shall open on signal if at least 24 hours notice is given to the Seaboard System Agent at Hopewell. However, a drawtender shall be in constant attendance and the draw shall open on signal upon 30 days notice, in writing, to do so from the District Commander.

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

(a) The draw of the Jordan (S337) bridge across the South Branch of the Elizabeth River, mile 2.8 at Portsmouth-Chesapeake, shall open on signal; except that, from 6:30 a.m. to 7:30 a.m. from 3:30 p.m. to 4:30 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of pleasure craft.

(b) The draw of the Norfolk and Western railroad bridge across the South Branch of the Elizabeth River, mile 3.6 at Portsmouth-Chesapeake, shall be maintained in the open position; except the draw may close for the crossing of trains and maintenance of the bridge. When the draw is closed, a drawtender shall be present and the draw shall open on signal.

(c) The draw of the I64 bridge across the South Branch of the Elizabeth

River, mile 7.1 at Chesapeake, shall open on signal if at least 24 hours notice is given.

(d) The draw of the S168 bridge, mile 12 at Chesapeake (Great Bridge), shall open on signal; except that, from 6 a.m. to 7 p.m., the draw need be opened only on the hour. If any vessel is approaching the bridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass. Vessels in an emergency condition which presents danger to life or property shall be passed at any time.

§ 117.999 Blackwater River.

The draw of the S189 bridge, mile 0.2 at South Quay, shall open on signal if at least 24 hours notice is given.

§ 117.1001 Cat Point Creek.

The draw of the S634 bridge, mile 0.3 at Naylor's, need not be opened for the passage of vessels.

§ 117.1003 Chickahominy River.

The draw of the highway bridge, mile 1.5 at Barrets Ferry, shall open on signal; except that, from 11 p.m. to 6 a.m., the draw shall open on signal if at least 12 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 37382, Sept. 24, 1984]

§ 117.1007 Elizabeth River—Eastern Branch.

(a) The draw of the Norfolk and Western Railroad bridge, mile 2.7 at Norfolk, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least three hours notice is given.

(b) The draw of the Berkley Bridge mile 0.4 at Norfolk, shall remain closed one hour prior to the published start of a scheduled marine event regulated under § 100.501, and shall remain closed until one hour following the completion of the event unless the Patrol Commander designated under § 100.501 allows the bridge to open for commercial vessel traffic.

(c) The draw of the Berkley Bridge, mile 0.4 in Norfolk—

(1) Shall open on signal at any time except from 5:30 a.m. to 9 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays.

(2) From 5:30 a.m. to 9 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays;

(3) Shall open at any time for commercial vessels with a draft of 22 feet or more, provided at least 12 hours advance notice has been given to the Berkley Bridge Traffic Control Room at (804) 494-2424, and

(4) Shall open on signal at any time for a vessel in distress.

[CGD 82-025, 49 FR 43463, Oct. 29, 1984, as amended by CGD 05-88-13, 53 FR 20321, June 3, 1988; CGD 5-89-43, 54 FR 30039, July 18, 1989; CGD 5-90-023, 55 FR 23434, June 8, 1990]

EFFECTIVE DATE NOTE: At 55 FR 23435, June 8, 1990, in § 117.1007, paragraph (c) was added, effective July 9, 1990.

§ 117.1011 Great Wicomico River.

The draw of the S200 bridge, mile 8.0 at Tipters, shall open on signal; except that, if an opening is desired from 6 p.m. to 6 a.m., the drawtender on duty shall be notified before 6 p.m.

§ 117.1013 Kinsale Creek.

The draw of the state highway bridge, mile 4.0, at Kinsale need not be opened for the passage of vessels.

§ 117.1015 Mattaponi River.

The draws of the Lord Delaware (S33) bridge, mile 0.8 at West Point, and the S629 bridge, mile 28.5 at Walkerton, shall open on signal if at least 24 hours notice is given. The drawtender service for either bridge shall be increased to the degree determined to be adequate within 30 days after written notice is received from the District Commander to do so.

§ 117.1017 Nansemond River.

The draw of the US 460 bridge, mile 18.2 at Suffolk, shall open on signal if at least 12 hours notice is given.

§ 117.1019

§ 117.1019 Nansemond River—Western Branch.

The draw of the S10 bridge, mile 2.0 at Reids Ferry, need not be opened for the passage of vessels.

§ 117.1021 North Landing River.

The draw of the S165 bridge, mile 20.2 at Chesapeake, shall open on signal; except that, from 6 a.m. to 7 p.m., the draw need be opened only on the hour and half hour for the passage of pleasure craft. Public vessels of the United States, commercial vessels, and vessels in an emergency endangering life or property shall be passed at any time.

WASHINGTON

§ 117.1031 Chehalis River.

(a) The draw of the Union Pacific railroad bridge, mile 0.0, at Aberdeen, shall open on a signal of three prolonged blasts.

(b) The draw of the SR-101 highway bridge, mile 0.1, at Aberdeen, shall open on a signal of two short blasts followed by one prolonged blast from one hour before sunrise to one hour after sunset, except that from 7:15 a.m. to 8:15 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need not be opened for the passage of vessels of less than 5,000 gross tons. At all other times, the draw shall open on signal if at least one hour notice is given by marine radio, telephone, or other suitable means to the Washington Department of Transportation.

[CGD13 85-15, 51 FR 2394, 2395, Jan. 16, 1986]

§ 117.1035 Columbia River.

The draw of the Burlington Northern railroad bridge across the Columbia River at mile 328.0 between Pasco and Kennewick shall open on signal from 8:00 a.m. to 4:00 p.m. At all other times the draw shall open on signal if at least 2 hours' notice is given through the General Yardmaster, Pasco, Washington.

[CGD13 84-06, 49 FR 43955, Nov. 1, 1984]

§ 117.1037 Cowlitz River.

The draws of the Burlington Northern railroad bridge, mile 1.5, and the City of Kelso highway bridge at Allen Street, mile 5.5, both at Kelso, operate as follows:

(a) The draws shall open on signal if at least 24 hours notice is given.

(b) In the event of an emergency declared by the Cowlitz County Department of Emergency Services, the owners of these bridges shall maintain a two hour capability for responding to bridge opening requests. Notification of emergencies and requests for openings during emergencies are initiated through the Cowlitz County Department of Emergency Services.

(c) The operating machinery of the draws shall be maintained in a serviceable condition and the draws opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(d) When fog prevails by day or by night, the drawtender, after giving the acknowledging signal to open, shall toll a bell continuously during the approach and passage of vessels.

§ 117.1039 Deep River.

The draw of the Washington State highway bridge, mile 3.5, near Deep River, need not open for the passage of vessels during construction of the adjacent replacement bridge.

[CGD13 87-11, 52 FR 47924, Dec. 17, 1987]

§ 117.1041 Duwamish Waterway.

(a) The draws of each bridge across the Duwamish Waterway shall open on signal, except as follows:

(1) The draws of the Southwest Spokane Street bridge, mile 0.3, and the First Avenue South bridge, mile 2.1, need not be opened for the passage of vessels from 6:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, except as follows:

(i) The draws of the Southwest Spokane Street bridge shall open at any time for a vessel of 1,000 gross tons and over, a vessel towing a vessel of 1,000 gross tons and over, and a vessel proceeding to pick up a vessel of 1,000 gross tons and over for towing.

(ii) The draws of the First Avenue South bridge shall open at any time for a vessel of 5,000 gross tons and over, a vessel towing a vessel of 5,000 gross tons and over, and a vessel proceeding to pick up a vessel of 5,000 gross tons and over for towing.

(2) The draws of the Fourteenth (Sixteenth) Avenue South highway bridge, mile 3.8, need not be opened for the passage of vessels from 6:30 a.m. to 8:00 a.m. and 3:30 p.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

(b) The following bridges shall open on the specified signals:

(1) Burlington Northern railroad bridge, mile 0.4, and Southwest Spokane Street bridge, mile 0.3, one prolonged blast followed quickly by three short blasts.

(2) Burlington Northern railroad bridge, mile 0.4, one prolonged blast followed quickly by one short blast.

(3) First Avenue South bridge, mile 1.5, three prolonged blasts.

(4) Fourteenth Avenue South bridge, mile 3.8, one prolonged blast followed quickly by one short blast and one prolonged blast.

(c) When fog prevails by day or by night, the drawtender of bridges listed in this section, after giving the acknowledging signal to open, shall toll a bell continuously during the approach and passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 84-14, 49 FR 35498, Sept. 10, 1984; CGD13 8-13, 49 FR 35628, Sept. 11, 1984; CGD13 84-12, 50 FR 10228, Mar. 14, 1985; CGD13 85-01, 50 FR 30271, July 25, 1985]

§117.1045 Hood Canal.

The draw of the Washington State pontoon highway bridge near Port Gamble operates as follows:

(a) The draw shall open on signal if at least one hour's notice is given.

(b) Telephone requests for bridge openings may be directed as collect calls to the Toll Office at the bridge site. The call may also be made by direct telephone communication through the Seattle Marine Operator, Station KOH, or through other marine wire or radio telephone service.

(c) During unusual or emergency periods, the authorized representative of

the owner of or agency controlling the bridge shall open the draw on a demand basis for specified periods of time, normally not exceeding 48 hours, when requested by the Department of the Navy. While on a demand basis, a drawtender shall be in attendance on the bridge with radio communication equipment in operation.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 84-13, 49 FR 35628, Sept. 11, 1984]

§ 117.1047 Hoquiam River.

(a) When fog prevails by day or night, the drawtender of each bridge listed in this section, after giving the acknowledging signal to open, shall toll a bell continuously during the approach and passage of vessels.

(b) The draw of the Burlington Northern railroad bridge, mile 0.3 at Hoquiam, shall be maintained in the fully open position except for the passage of trains or for maintenance. When the draw of the bridge is closed and the visibility at the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two long blasts every minute. When the draw is reopened, the drawtender shall sound one long blast followed by one short blast.

(c) The draw of Simpson Avenue Bridge, mile 0.5, at Hoquiam, shall open on signal if at least one hour notice is given by marine radio, telephone, or other suitable means to the Washington Department of Transportation. The opening signal is two prolonged blasts followed by one short blast.

(d) The draw of the Riverside Avenue Bridge, mile 0.9, at Hoquiam, shall open on signal if at least one hour notice is given by marine radio, telephone, or other suitable means to the Washington Department of Transportation. The opening signal is two prolonged blasts followed by two short blasts.

(e) The draw of the Grays Harbor County highway bridge across the East Fork Hoquiam River, mile 0.7, shall open on signal if at least 48 hours notice is given.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 84-11, 49 FR 46548,

§ 117.1049

Nov. 27, 1984; CGD13 85-15, 51 FR 2395, Jan. 16, 1986]

§ 117.1049 Lake Washington.

The draw of the Evergreen Point Floating Bridge between Seattle and Bellevue shall operate as follows:

(a) The draw shall open on signal if at least one hours notice is given.

(b) Telephone requests for bridge opening may be directed as collect calls to the Highway Radio or made by direct telephone communication through the Seattle Marine Operator, Station KOH, or through other marine wire or radiotelephone service.

(c) The draw need not be opened from 6 a.m. to 10 a.m. and 2 p.m. to 7 p.m. Monday through Friday, except Federal holidays for any vessel or other watercraft of less than 2,000 gross tons, unless the vessel has in tow a vessel of 2,000 gross tons or over or a vessel with a piledriver that is unable to pass under the fixed spans.

(d) All non-self-propelled vessels, crafts, and rafts navigating this waterway for which opening of any draw is necessary shall be towed by a suitable self-propelled vessel while passing the draw.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 84-13, 49 FR 35628, Sept. 11, 1984]

§ 117.1051 Lake Washington Ship Canal.

(a) When fog prevails by day or by night, the drawtender of each bridge listed in this section, after giving the acknowledging signal to open, shall toll a bell continuously during the approach and passage of vessels.

(b) All non-self-propelled vessels, craft, or rafts navigating this waterway for which the opening of any draw is necessary shall be towed by a suitable self-propelled vessel while passing the draw.

(c) The draw of the Burlington Northern railroad bridge, mile 0.1, shall open on signal.

(d) The draws of the Ballard Bridge, mile 1.1, Fremont Bridge, mile 2.6, and University Bridge, mile 4.3, shall open on signal, except that:

(1) The draws need not be opened for a period of up to 10 minutes after receiving an opening request, if needed to pass accumulated vehicular traffic.

However, the draws shall open without delay, when requested by vessels engaged in towing operations.

(2) The draws need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday, except Federal Holidays for any vessel or watercraft of less than 1,000 gross tons, unless the vessel has in tow a vessel of 1,000 gross tons or over, except under emergency conditions when the Seattle City Engineer is notified.

(3) Between the hours of 11 p.m. and 7 a.m. the draws shall open if at least one hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Avenue Bridge.

(e) The draw of the Montlake Bridge, mile 5.2, shall open on signal, except that:

(1) The draw need not open for a period of up to 10 minutes after receiving an opening request, if needed to pass accumulated vehicular traffic. However, the draw shall open without delay, when requested by vessels engaged in towing operations.

(2) For any vessel or watercraft of less than 1,000 gross tons, unless the vessel has in tow a vessel of 1,000 gross tons or over, from Monday through Friday, except Federal Holidays:

(i) The draw need not open from 7 a.m. to 9 a.m. and 3:30 p.m. to 6:30 p.m.

(ii) The draw need open only on the hour and half hour from 12:30 p.m. to 3:30 p.m. and from 6 p.m. to 6:30 p.m.

(3) Between the hours of 11 p.m. and 7 a.m. the draw shall open if at least one hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Bridge.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD 82-025, 49 FR 26722, June 29, 1984; CGD13 84-13, 49 FR 35628, Sept. 11, 1984; CGD13 86-02, 51 FR 18788, May 22, 1986; CGD 13 88-03, 53 FR 10535, April 1, 1988; CGD13 89-06, 54 FR 52798, Dec. 21, 1989]

§ 117.1053 Lewis River.

The draw of the Burlington Northern railroad bridge, mile 2.0 at Woodland, need not be opened for the passage of vessels.

§ 117.1055 Skagit River.

The draws of all bridges across the Skagit river need not be opened for the passage of vessels. However, the draws shall be returned to operable condition within one year after notification by the District Commander to do so.

§ 117.1057 Skamokawa Creek.

The draw of the Washington State highway bridge at Skamokawa need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984; 49 FR 43463, Oct. 29, 1984]

§ 117.1058 Snake River.

(a) The draw of the Burlington Northern railroad bridge across the Snake River at mile 1.5 between Pasco and Burbank is automated and is normally maintained in the fully open to navigation position.

(b) *Lights.* All lights required for automated operation shall be visible for a distance of at least 2 miles and shall be displayed at all times, day and night.

(1) When the draw is fully open, a steady green light shall be displayed at the center of the drawspan on both upstream and downstream sides.

(2) When the draw is not fully open, a steady red light shall be displayed at the center of the drawspan on both upstream and downstream sides.

(3) When the draw is about to close, flashing yellow lights in the form of a down-pointing arrow shall be displayed at the center of the drawspan on both upstream and downstream sides.

(4) A similar set of red, green, and yellow lights shall be displayed on a remote lighting panel located near the north end, upstream side, of the Washington State highway bridge at mile 2.2. These lights shall be synchronized with the lights on the railroad bridge and shall be visible to vessels traveling downstream throughout the passage of the channel adjacent to Strawberry Island.

(c) *Operation.* When a train approaches the bridge, the yellow lights shall start flashing. After an eight-minute delay, the green lights shall

change to red, the drawspan shall lower and lock, and the yellow lights shall be extinguished. Red lights shall continue to be displayed until the train has crossed and the drawspan is again in the fully open position. At that time, the red lights shall change green.

(d) Vessels equipped with radiotelephones may contact Burlington Northern to obtain information on the status of the bridge. Bridge status information also may be obtained by calling the commercial telephone number posted at the drawspan of the bridge.

[CGD13 84-05, 49 FR 43956, Nov. 1, 1984]

§ 117.1059 Snohomish River, Steamboat Slough, and Ebey Slough.

(a) Drawtenders of bridges listed in this section shall acknowledge sound signals as follows:

(1) When draw can be opened immediately, two prolonged blasts followed by one short blast or three loud and distinct strokes of a bell.

(2) When draw cannot be opened immediately, or when it is open and must be closed promptly, two prolonged blasts or two loud and distinct strokes of a bell. This signal may also be used by a vessel to countermand its call signal.

(b) When fog prevails by day or by night, the drawtender of each bridge listed in this section, after giving the acknowledging signal to open, shall toll a bell continuously during the approach and passage of vessels.

(c) The draws of the twin, SR 529, highway bridges across the Snohomish River, mile 3.6, at Everett shall open on signal if at least one-hour notice is given. On weekdays, Monday through Friday, notice for openings shall be given by marine radio, telephone, or other means to the drawtender at the SR 529 highway bridge across Ebey Slough, at Marysville, and at all other times to the drawtender at the twin SR 529 bridges at Everett. One signal opens both draws. During freshets, a drawtender shall be in constant attendance and the draws shall open on signal when so ordered by the District Commander.

(d) The draw of the SR2 highway bridge across the Snohomish River, mile 6.9, at Everett, shall open on signal if at least four hours notice is given. During freshets, a drawtender shall be in constant attendance and the draw shall open on signal when so ordered by the District Commander.

(e) The draw of the Burlington Northern railroad bridge across the Snohomish River, mile 15.5, at Snohomish, need not be opened for the passage of vessels.

(f) The draw of the Burlington Northern railroad bridge across Steamboat Slough, mile 1.0, near Marysville, shall open on signal if at least four hours notice is given. The opening signal is one prolonged blast followed by one short blast and one prolonged blast.

(g) The draws of the twin, SR 529, highway bridges across Steamboat Slough, miles 1.1 and 1.2, near Marysville, shall open on signal if at least four-hours notice is given. On weekdays, Monday through Friday, notice for openings shall be given by marine radio, telephone, or other means to the drawtender at the SR 529 highway bridge across Ebey Slough, at Marysville, and at all other times to the drawtender at the twin SR 529 bridges at Everett. One signal opens both draws. During freshets, a drawtender shall be in constant attendance and the draws shall open on signal when so ordered by the District Commander.

(h) The draws of the SR 529, highway bridge, across Ebey Slough, mile 1.6, at Marysville, shall open on signal if at least one-hour notice is given. On weekdays, Monday through Friday, notice for openings shall be given by marine radio, telephone, or other means, to the drawtender at this bridge, and at all other times to the drawtender at the SR 529 bridges across the Snohomish River at Everett. During freshets, a drawtender shall be in constant attendance and the draws shall open on signal when so ordered by the District Commander.

[CGD 82-026, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 84-13, 49 FR 35628, Sept. 11, 1984; CGD13 85-10, 50 FR 25961, June 24, 1985]

§ 117.1061 Tacoma Harbor.

(a) When fog prevails by day or night, the drawtender of each bridge listed in this section, after giving the acknowledging signal to open, shall toll a bell continuously during the approach and passage of vessels.

(b) The draw of the South 11th Street bridge across City Waterway, mile 0.6, at Tacoma, shall open on signal if at least two hours notice is given. However the draw need not be opened from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays for vessels of less than 1,000 gross tons, unless the vessels have in tow a vessel 1,000 gross tons or over, or unless the opening of the draw is required for the pickup of a vessel of 1,000 gross tons or over for towing. In emergencies, openings shall be made as soon as possible upon notification to the Washington State Department of Transportation.

(c) The draw of the East 11th Street bridge across Blair Waterway, at Tacoma, shall open on signal. However the draw need not be opened from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays for vessels of less than 1,000 gross tons, unless the vessels have in tow a vessel 1,000 gross tons or over, or unless the opening of the draw is required for the pickup of a vessel of 1,000 gross tons or over for towing. In emergencies, openings shall be made as soon as possible upon notification to the Washington State Department of Transportation.

(d) The draws of the East 11th Street bridge across Hylebos Waterway, at Tacoma, shall open on signal. However the draws need not be opened from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays for vessels of less than 1,000 gross tons, unless the vessels have in tow a vessel 1,000 gross tons or over, or unless the opening of the draw is required for the pickup of a vessel of 1,000 gross tons or over for towing. In emergencies, openings shall be made as soon as possible upon notification to the Washington State Department of Transportation.

(CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 84-13, 49 FR 35629, Sept. 11, 1984; 49 FR 44632, Nov. 8, 1984)

WISCONSIN

§ 117.1063 Willapa River.

(a) The draw of the US101 highway bridge across the North Fork Willapa River, mile 7.8, at Raymond need not be opened for the passage of vessels. However the draw shall be returned to an operable condition within six months after notification by the District Commander to do so.

(b) The draw of the Burlington Northern railroad bridge across the South Fork Willapa River, mile 0.3, at Raymond, shall open on signal if at least 24 hours notice is given.

(CGD13 84-13, 49 FR 35629, Sept. 11, 1984)

§ 117.1065 Wishkah River.

(a) When fog prevails by day or by night, the drawtender of each bridge listed in this section, after giving the acknowledging signal to open, shall toll a bell continuously during the approach and passage of vessels.

(b) The draw of the Burlington Northern railroad bridge, mile 0.1 at Aberdeen, shall be maintained in the fully open position, except for the passage of trains or for maintenance. When the draw of the bridge is closed and the visibility at the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two prolonged blasts every minute. When the draw is reopened, the drawtender shall sound one prolonged blast followed by one short blast.

(c) The draws of the Heron Street Bridge, mile 0.2, and the Wishkah Street Bridge, mile 0.4, at Aberdeen, shall open on signal if a least one hour notice is given by marine radio, telephone, or other suitable means to the Washington Department of Transportation. The opening signal for both bridges is one prolonged blast followed by two short blasts.

(CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended by CGD13 85-15, 51 FR 2395, Jan. 18, 1986)

§ 117.1081 Black River.

The draw of the Chicago, Milwaukee, St. Paul and Pacific railroad bridge, mile 1.0 at La Crosse, shall open on signal if at least two hours notice is given.

§ 117.1083 Duluth-Superior Harbor (St. Louis River).

(a) The draws of the Burlington Northern railroad bridge, mile 5.7 at Duluth, shall open on signal; except that, from January 1 through March 15, the draws shall open on signal if at least 24 hours notice is given. The opening signal for the Minnesota Draw is one prolonged blast followed by two short blasts and for the Wisconsin Draw is two prolonged blasts followed by two short blasts.

(b) The draws of the Grassy Point bridge, mile 8.0 at Duluth, and the Arrowhead bridge, mile 8.7 at Duluth, shall open on signal; except that, from January 1 through March 15, the draws shall open on signal if at least 24 hours notice is given. The opening signal for the Grassy Point bridge is two short blasts followed by one prolonged blast and for the Arrowhead bridge is three prolonged blasts.

(c) The draw of the Duluth, Missabe and Iron Range Railway bridge, mile 16.3 at Duluth, need not be opened for the passage of vessels. The owner shall return the draw to operable condition within a reasonable time when notified by the District Commander to do so.

§ 117.1085 East River.

The draw of the Monroe Avenue bridge, mile 0.3 at Green Bay, need not be opened for the passage of vessels.

§ 117.1087 Fox River.

(a) The draws of the Main Street bridge, mile 1.6, Walnut Street bridge, mile 1.8, and Mason Street bridge, mile 2.2, all at Green Bay, need not be opened for the passage of vessels from 7 a.m. to 8 a.m., 12 noon to 1 p.m., and 4 p.m. to 5 p.m. Monday through Saturday except Federal holidays. Public vessels of the United States, tugs, fire-

boats, and vessels with a cargo capacity of 300 short tons or over engaged in commercial transportation shall be passed at any time. The opening signal for the Main Street bridge is two short blasts followed by one prolonged blast, for the Walnut Street bridge one prolonged blast followed by two short blasts, and for the Mason Street bridge one prolonged blast, followed by one short blast, followed by one prolonged blast.

(b) The draw of the George Street bridge, mile 7.2 at DePere, shall open on signal during the navigation season; except that, from 6 p.m. to 8 a.m. during the navigation season, the draw shall open on signal if at least two hours notice is given.

(c) The draws of the Main Street bridge, mile 56.3, Jackson Street bridge, mile 56.5, Wisconsin Street bridge, mile 57.0, and the Congress Avenue bridge, mile 58.3 all at Oshkosh, shall open on signal from 8 a.m. to 12 midnight; except that, from Monday through Friday from 11:45 a.m. to 12:15 p.m., 12:45 p.m. to 1:15 p.m., and 3 p.m. to 5 p.m., the draws need not be opened for other than public vessels of the United States except on Memorial Day, Independence Day, and Labor Day. From 12 midnight to 8 a.m., the draws shall open on signal if at least two hours notice is given by radiotelephone to the Main Street bridge drawtender or the Winnebago County Sheriff's Department.

(d) The draw of each bridge at or between Berlin and Portage need not open for the passage of vessels.

§ 117.1099 Manitowoc River.

(a) The draws of the Eighth Street bridge, mile 0.3, and the Tenth Street bridge, mile 0.5, both at Manitowoc, shall open on signal Monday through Friday except Saturdays, Sundays, New Year's Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day or on the Monday following these holidays when they occur on a Sunday. The draws need not be opened from 6:50 a.m. to 7 a.m., 7:50 a.m. to 8 a.m., 11:55 a.m. to 12:10 p.m., and 12:45 p.m. to 1 p.m. The opening signal for the Eighth Street bridge is one prolonged blast followed by one

short blast and for the Tenth Street bridge is two short blasts followed by one prolonged blast. When signal is given by a car ferry or other large vessel to open either bridge, the remaining bridge shall also be opened promptly so that the vessel is not held between the two bridges.

(b) The draw of the Soo Line railroad bridge, mile 0.9 shall open on the signal of two short blasts followed by one prolonged blast.

§ 117.1091 Menomonee River.

The draw of the Ogden-First Street bridge, mile 0.4 at Marinette, shall open on signal from 7 a.m. to 11 p.m. from May 1 through October 31. From 11 p.m. to 7 a.m. from May 1 through October 31, the draw shall open on signal if at least two hours notice is given. From November 1 through April 30, the draw shall open on signal if at least 12 hours notice is given.

§ 117.1093 Milwaukee, Menomonee, and Kinnickinnic Rivers and South Menomonee and Burnham Canals.

(a) The draws of each bridge listed in this section shall open as soon as possible for the passage of public vessels of the United States, vessels carrying United States mail, vessels licensed to carry 50 or more passengers when on their regular routes, and fireboats of the City of Milwaukee.

(b) For all bridges, the drawtender's acknowledging signal when the draw will open is the same as the opening signal. The acknowledging signal when the draw will not open, or is open and must be closed promptly is four short blasts.

(c) The draws of bridges across the Milwaukee River operate as follows:

(1) The draws of the North Broadway Street bridge, mile 0.5, North Water Street bridge, mile 0.6, and Michigan Street bridge, mile 1.1, all at Milwaukee, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draws need not be opened.

(2) The draws of all other bridges across the Milwaukee River shall open on signal if at least two hours notice is given; except that, from 7:30 a.m. to

8:30 a.m. and 4:30 p.m. to 5:30 p.m., the draws need not be opened.

(3) The opening signals are as follows:

(i) The Chicago and Northwestern bridge, mile 0.3, two prolonged blasts.

(ii) The North Broadway Street bridge, mile 0.5, three prolonged blasts followed by one short blast.

(iii) The North Water Street bridge, mile 0.6, three prolonged blasts followed by two short blasts.

(d) The draws of bridges across the Menomonee River and South Menomonee Canal operate as follows:

(1) The draw of the North Plankinton Avenue bridge across the Menomonee River, mile 0.1, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draws need not be opened.

(2) The draws of all other bridges across the Menomonee River and South Menomonee Canal shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draws need not be opened and, from 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

(3) The opening signal for the Chicago, Milwaukee, St. Paul and Pacific railroad bridge across the Menomonee River, mile 0.1, is two prolonged blasts followed by two short blasts.

(e) The draws of bridges across the Kinnickinnic River operate as follows:

(1) The draw of the Kinnickinnic Avenue bridge, mile 1.5, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draw need not be opened.

(2) The draws of the Chicago, Milwaukee, St. Paul and Pacific railroad bridge, mile 1.5, and the Chicago and Northwestern Railway bridge, mile 1.52, shall open on signal if at least two hours notice is given.

(3) The draws of all other bridges across the Kinnickinnic River shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draws need not

be opened and, from 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

(4) The opening signal for the Chicago and Northwestern bridge, mile 1.0, is two prolonged blasts.

(f) The draws of bridges across the Burnham Canal operate as follows:

(1) The draw of the Chicago, Milwaukee, St. Paul and Pacific railroad bridge, mile 0.8, shall open on signal if at least two hours notice is given.

(2) The draws of all other bridges across the Burnham Canal shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Saturday except Federal holidays, the draws need not be opened and, from 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

§ 117.1095 Root River.

(a) The draw of the Main Street bridge, mile 0.3 shall open on signal; except that, from April 1 through December 1 from 6 a.m. to 6 p.m., the draw need be opened only on the hour, 20 minutes after the hour, and 40 minutes after the hour to pass all accumulated vessels; and, from December 2 through March 31, the draw shall open on signal if at least two hours notice is given. At all times, public vessels of the United States, state or local vessels used for public safety, commercial vessels, and vessels in distress shall be passed as soon as possible.

(b) The draw of the State Street bridge, mile 0.5, shall open on signal; except that, from October 16 through April 30, the draw shall open on signal if at least two hours notice is given. At all times, public vessels of the United States, state or local vessels used for public safety, commercial vessels, and vessels in distress shall be passed as soon as possible.

§ 117.1097 Sheboygan River.

The draw of the Eighth Street bridge, mile 0.7 at Sheboygan, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. including Sundays and legal holidays; except that, from 6:10 a.m. to 7:10 p.m. Monday through Saturday, the draw need be opened only at 10 minutes

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after the hour, on the half hour, and at 10 minutes before the hour. At all other times, the draw shall open on signal if at least two hours notice is given. At all times, public vessels of the United States, state or local vessels used for public safety, and vessels seeking shelter from rough weather shall be passed as soon as possible.

§ 117.1099 St. Croix River.

(a) The draws of the Burlington Northern railroad bridge, mile 0.2, the US16-61 bridges, mile 0.3, all at Prescott, and the Chicago and Northwestern Railroad bridge, mile 17.3 at Hudson, shall open on signal; except that, from December 15 to the last day of February, the draws shall open on signal if at least 24 hours notice is given.

(b) The draw of the S36 (Stillwater) bridge, mile 23.4 at Stillwater, shall open on signal as follows:

(1) On Monday through Friday, except Federal holidays, the draw shall open—

(i) Every hour on the hour from 3 p.m. to 6 p.m.

(ii) Every hour and half hour from 6 p.m. to 10 p.m.; and

(iii) From 10 p.m. to 8 a.m. if at least two hours notice is given.

(2) On Saturdays, Sundays, and Federal holidays, the draw shall open—

(i) Every hour and half hour from 8 a.m. to 11 a.m.

(ii) Every hour on the hour from 11 a.m. to 8 p.m.

(iii) Every hour and half hour from 8 p.m. to midnight; and

(iv) Midnight to 8 a.m. if at least two hours notice is given.

(3) From May 15 through October 15, at any time for emergencies.

(4) From October 16 through May 14, if at least 24 hours notice is given.

(c) The draw of the Soo Line railroad bridge, mile 40.7 at Otisville, need not be opened for the passage of vessels.

[CGD 82-025, 49 FR 17452, Apr. 24, 1984, as amended at 49 FR 43463, Oct. 29, 1984]

§ 117.1101 Sturgeon Bay.

The draw of the highway bridge, mile 4.3 at Sturgeon Bay, shall open as follows:

(a) From March 15 through May 14 and from September 15 through December 31, the draws shall open on signal.

(b) From May 15 through September 15, the draw shall open on signal from 6 p.m. to 6:30 a.m.

(c) From May 15 through September 15 from 6:30 a.m. to 6 p.m., the draw shall open on the hour and half hour, provided vessels are waiting to pass. However, public vessels of the United States and commercial vessels shall be passed through the draw without delay during this period.

(d) From January 1 through March 14, the draw shall open on signal if at least 12 hours notice is given.

§ 117.1103 Upper Mississippi River.

(a) The draws of all bridges between Lock and Dam No. 10, mile 615.1, and Lock and Dam No. 2, mile 815.2, shall open on signal; except that, from December 15 through March 1, the draws shall open if at least 24 hours notice is given.

(b) The draws of all bridges between Lock and Dam No. 2, mile 815.2, and Lock and Dam No. 1, mile 847.6, shall open on signal; except that, from December 15 through the last day of February, the draws shall open on signal if at least 12 hours notice is given.

§ 117.1105 Wisconsin River.

The draws of each drawbridge across the Wisconsin River shall open on signal if at least 48 hours notice is given.

§ 117.1107 Wolf River.

The draw of the Winneconne highway bridge, mile 2.4 at Winneconne, shall open on signal; except that, from 11 p.m. to 7 a.m. from May 1 through October 31, at least two hours notice is required and, from November 1 through April 30, at least 12 hours notice is required. At all times, public vessels of the United States, state and local vessels used for public safety, and vessels in distress shall be passed as soon as possible.

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
Alabama						
Alabama River	105.3	Coy	Burlington Northern Railroad	WXY 960	16	13
Black Warrior River	267.8	Eufaula	Southern Railway System	KQ 7156	16	13
Chickasaw Creek	0	Pritchard	Seaboard System RR	KQ 7197	16	13
Mobile River	13.3	Mobile	Seaboard System RR	KQ 7197	16	13
Three Mile Creek	0.3	Mobile	Seaboard System RR	KQ 7197	16	13
Tombigbee River	44.9	Jackson	Southern Railway	KQ 9072	16	13
Tennessee River	259.4	East Florence	Wilson Lock, U.S. Army Engineer Dist. Nashville	WUE 612	16	13
	304.4	Decatur	Southern Railway System	KQ 8929	16	13
	305.0	Decatur	Keller Highway Bridge, AL US-3	KYH 502	16	13
	414.4	Bridgeport	Seaboard System RR	KC 9430	16	13
Arkansas						
Arkansas River	67.4	Rob Roy	St. Louis Southwestern Railroad	KTA 435	16	13
	116.2	Little Rock	Chicago, Rock Island and Pacific Railroad	KSK 362	16	13
	118.7	Little Rock	Junction Bridge—Missouri Pacific RR	KSK 362	16	13
	119.6	Little Rock	Belling Crose—Missouri Pacific RR	KSK 362	16	13
	98.9	Clarendon	St. Louis Southwestern Railroad	KUF 683	16	14
White River	196.3	Clarendon	Missouri Pacific RR	KYT 684	12	13
	254.8	Clarendon	Missouri Pacific RR	KZ 953	16	13
California						
Carpenters Strait	7.0	Marina	Southern Pacific RR	KQ 7193	16	13
Cerritos Channel	4.4	Long Beach	Henry Ford (Badger) Avenue, Port of Los Angeles	KYV 723	13	13
	4.5	Long Beach	Schuyler Heim CA DOT	KQJ 746	16	13
Channel Street	0	San Francisco	3rd Street, San Francisco	KR 4664	16	0
Connection Slough	2.5	Mendocino Island	South Real Estate Company	WHY 226	16	0
Little Prick Slough	1.0	Terminous	Potato Slough, CA DOT, SR12	KSK 276	16	0
Mokelumne River	3.0	Isleton	CA DOT, SR12	KMJ 382	16	0
Napa River	2.8	Vallejo	Mare Island Causeway, Navy	Military license only, No FCC	16	13
Oakland Inner Harbor Tidal Canal	7.3	Oakland	Park Street, Alameda County	WHV 263	16	0
	7.7	Oakland	Fruitvale Avenue, Alameda County	WHV 271	16	0
	8.1	Oakland	High Street, Alameda County	WHV 259	16	0
	12.8	Rio Vista	Rio Vista, CA DOT, SR12	KMJ 383	16	0
	15.7	Isleton	Isleton, CA DOT, SR160	KMJ 481	16	0
Sacramento River	26.7	Walnut Grove	Walnut Grove, Sacto Co., SR E-13	KMJ 481	16	0
	33.4	Panthersville	Panthersville, CA DOT, SR160	KMJ 381	16	0
	46.0	Freemont	Freemont Sacto Co., SR E-9	KMJ 490	16	0
	59.0	Sacramento	Tower Bridge, CA DOT	KDO 739	16	0

APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES—Continued

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
San Leandro Bay	59.4	Sacramento	I Street Southern Pacific RR	WHX 359	16	9
Steamboat Slough	0	Alameda	Bay Farm Island, CA DOT	WHV 267	16	9
Three Mile Slough	11.2	Courtland	Steamboat Slough, CA DOT, SR180	WHX 295	16	9
	0.1	Rio Vista	Three Mile Slough, CA DOT, 160	KMJ 385	16	9
Connecticut						
Connecticut	3.4	Old Saybrook	Antrak	KT 5414	13	13
Housatonic River	16.8	Healdam	Connecticut, SR82	KXR 913	13	13
Mytic River	3.5	Stratford	Stratford Avenue, CT	KXJ 695	13	13
Mytic River	3.9	Devon	Devon RR	KU 6035	13	13
Mytic River	2.4	Mytic	Antrak	KJA 842	13	13
Mytic River	2.8	Mytic	Connecticut, US1	KXR 912	13	13
Niantic River	0	Niantic	Antrak	KGA 511	13	13
Niantic River	0.1	Niantic	Connecticut, SR156	KXR 911	13	13
Norwalk River	0	South Norwalk	Connecticut, SR136	KXJ 707	13	13
Pequonnock River	0.1	South Norwalk	Connecticut, SR136	KU 8035	13	13
Quinnipiac River	0.3	Bridgeport	Peck RR	KU 8033	13	13
Thames River	0	New Haven	Connecticut, US1	KXJ 686	13	13
Thames River	3.0	Groton	Antrak	KT 5473	13	13
Florida						
Bayou Chico	0.3	Penascola, Barrancas Avenue	FL DOT	WHF 855	16	9
Gulf County Canal	0.1	Port St. Joe	FL DOT	KBA 336	16	13
Gulf Intracoastal WW	119.0	Treasure Island	Treasure Island Causeway	WQZ 367 or KZU 970	16	13
Gulf Intracoastal WW	126.0	Indian Rocks Beach	Park Blvd, Pinellas Co	WHV 751	16	13
Gulf Intracoastal WW	132.0	Bellair Beach	Bellair Causeway, Pinellas Co	WHV 752	16	13
Gulf Intracoastal WW	138.0	Bunedin	Dunedin Causeway, Pinellas Co	WHV 750	16	13
Hillsboro Inlet	C.3	Hillsboro	FL DOT		16	13
Intracoastal Waterway	1,050	Deerfield Beach	Hillsboro Blvd, FL DOT			
	1,055	Pompano Beach	NE 14th St, FL DOT			
	1,056	Pompano Beach	Atlantic Blvd, FL DOT			
	1,059	FL Lauderdale	Commercial Blvd, FL DOT			
	1,060.5	FL Lauderdale	Oakland Park Blvd, FL DOT			
	1,062.6	FL Lauderdale	Sunrise Blvd			
	1,064	FL Lauderdale	Les Oles Blvd, FL DOT			
	1,066	FL Lauderdale	17th Street, FL DOT			
	1,069.4	Dania	Dania Bch Blvd, FL DOT			
	1,070.5	Hollywood	Shendan Street, FL DOT			
	1,072.2	Hollywood	Hollywood Blvd, FL DOT			
	1,074	Hallandale	Hallandale Blvd, FL DOT			
	1,089.4	Miami	Dodge Island, Port of Miami	KCE 254	16	13
	0.1	St. Petersburg	FL DOT	WQZ 213	16	13
Johns Pass	1.4	FL Lauderdale	Southeast 3rd Ave., Broward Co			
New River						

New River	2.3	FL Lauderdale	Andrews Ave., Broward Co.	13
New River	0.9	FL Lauderdale	Marshall Bridge, Broward Co.	13
New River, South Fork	0.9	FL Lauderdale	Clyde Blvd., FL DOT	17
St. Johns River	24.7	Jacksonville	Main St., FL DOT	17
St. Johns River	24.9	Jacksonville	Acosta, FL DOT, SR13	16
St. Johns River	24.9	Jacksonville	FEC RR	13
St. Johns River	25.4	Jacksonville	Fidler Women, JTA	17
St. Johns River	126.0	Astor	FL DOT	13
Severnash River	21.6	Severnash	Houlahan, GA DOT, US17	16
Severnash River	60.9	Cryo	Seaboard System RR	13
Intracoastal WW	563	Severnash	Thunderbolt, GA DOT	16
Intracoastal WW	592.9	Slideway Island	Slideway, Chatham Co, US60	13
Intracoastal WW	664.3	Brunswick	Jekyll Creek, GA DOT	13
Clearwater River	0.6	Leviston	Carnegie Prairie RR	13
Illinois River	21.6	Hardin	Illinois DOT, SR16	16
Illinois River	43.2	Grand Pass	Illinois Central Gulf RR	14
	56.0	Florence	Illinois DOT, US36	16
	61.4	Valley City	Norfolk and Western RR	14
	86.6	Beardstown	Burlington Northern RR	14
	151.2	Peain	Chicago and Northwestern RR	14
	152.9	Peain	Illinois DOT, SR9	16
	160.7	Peoria	Peoria and Pekin Union Railway Co.	14
	162.3	Peoria	Franklin Street, Illinois DOT	16
	224.7	La Salle	Illinois DOT, US51	13
	239.4	Ottawa	Burlington Northern RR	14
	265.6	Rockdale	Brandon Road, Illinois DOT	13
	287.3	Joliet	McDonough Highway, Illinois DOT	13
	287.6	Joliet	Chicago, Rock Island and Pacific RR	14
	288.7	Joliet	Ruby Street, Illinois DOT	13
	292.7	Alton	Burlington Northern RR	16
Upper Mississippi River	481.4	Rock Island	Crescent RR	13
	482.9	Rock Island	Department of the Army	14
Mississippi River	364.0	Kedzie	City of Kedzie, US136	16
	383.9	Fort Madison	Albion, Topeka and Santa Fe RR	14
	403.1	Burlington	Burlington Northern RR	13
	516.0	Clinton	Chicago and Northwestern RR	16
	535.0	Subula	Chicago, Milwaukee, St. Paul and Pacific RR	13
Missouri River	579.9	Dubuque	Illinois Central Gulf RR	14
	618.3	Council Bluffs	Illinois Central Gulf RR	13

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Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
Kansas						
Missouri River	396.7 422.5	Leavenworth Atchison	Chicago and Northwestern RR Missouri Pacific RR	KTA 436 KTD 426	16 16	14 14
Kentucky						
Green River	8.3	Spottsville	Seaboard System RR	KT 4181	16	13
Ohio River	604.4 606.8 606.8	Louisville Louisville Louisville	27th St. McAlpine Lock, Louisville Gas and Electric Co. 27th St. McAlpine Lock (Bascule), U.S. Army Engineer District, Louisville.	KUZ 381 WUE 241 WUE 241	13 16 16	13 14 14
Louisiana						
Algiers Canal (GIWW Alternate Route)	1.6 3.8	New Orleans Belle Chasse	State Highway 407, Louisiana Judge Perez Bridge Louisiana SR23	WDT 574 WDT 572		13 13
Atchafalaya River	17.5 95.7 107.4 0.8	Morgan City Kroft Spring Meville Indian Village	Southern Pacific RR Missouri Pacific RR Missouri Pacific RR Louisiana, SR177	KW 4440 KUF 702 KUF 701 KTD 559		13 13 13 13
Bayou Grosse Teie (GIWW-Port Allen Alternate Route)	35.6 48.8 57.6 59.9	Larose Bourg Houma Houma	Louisiana, SR11 Louisiana, SR318 East Port, LA, Main Street Bayou du Large Bridge Louisiana, SR315	KTD 550 KJA 544 KTD 557 KTD 548		13 13 13 13
GIWW (Larose-Bourg Cutoff)	134.0	Cypremont	Louisiana, SR319	KTD 551		13
GIWW (Bayou Blue Portion)	231.4	Grand Lake Ridge	Louisiana	KJA 560		13
GIWW	237.5	Most Lake	Black Bayou Portion, Louisiana	WXY 918		13
GIWW	243.6	Hickberry	Elmendorf Ferry, Louisiana, SR27	KTD 558		13
Harvey Canal	2.8	Harvey	Laplace Boulevard, Jefferson Parish Council	DTR 859	16	13
Houma Navigation Canal	36.0	Houma	Louisiana, SR681	WDT 573		13
Inner Harbor Navigation Canal	0.5	New Orleans	St. Claude Bridge, Port of New Orleans	WG 401	16	13
	1.7	New Orleans	Florida Avenue Bridge, Port of New Orleans	WUG 409	16	13
	2.9	New Orleans	Old Gentilly Road, Port of New Orleans	KZV 719	16	13
	3.1	New Orleans	Derzeger Bridge, LA, US90	KRS 954		13
	4.5	New Orleans	Seabrook, Port of	WDF 838	16	13
	4.6	New Orleans	Seabrook, New Orleans Levee Board	KZV 819	16	13

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APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES—Continued

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
Minnesota						
Mississippi River	813.7	Hastings	Chicago, Milwaukee, St. Paul and Pacific RR	KTD 536	16	14
	835.7	Newport	Chicago and Northwestern RR	KUZ 544	16	14
	839.2	St. Paul	Chicago and Northwestern RR	KUZ 545	16	14
	841.4	Omaha	Chicago and Northwestern RR	KAN 388	16	14
Duluth-Superior Harbor, MN-WI	0.25	Duluth	Minnesota Avenue, Duluth		16	13
Mississippi						
Back Bay of Biloxi	8.0	Biloxi	Pope's Ferry Road, Harrison County	WXZ 590	16	13
Biloxi Bay	0	Biloxi	Saboard System RR	KQ 7197	16	13
	0.4	Biloxi	Mississippi US 80	KUF 720	16	13
Ecotamps River	1.0	Moore Point	Mississippi SR 813	KUF 719	16	13
Pascagoula River	1.5	Pascagoula	Saboard System RR	KQ 7197	16	13
	1.8	Pascagoula	Mississippi US 90	KUF 722	16	13
St. Louis Bay	1.0	St. Louis	Harrison & Hancock Counties, US 90	KUF 721	16	13
Missouri						
Mississippi River	282.1	Louisiana	Illinois Central Gulf RR	KLU 798	16	14
Missouri River	308.9	Hannibal	Norfolk and Western RR	KUZ 446	16	14
	359.4	Kansas City	Harry S. Truman, Chicago, Milwaukee, St. Paul and Pacific RR	KVY 575	16	13
	365.6	Kansas City	A-S-B, Burlington Northern RR	KQU 500	16	14
	366.1	Hannibal	Burlington Northern RR	KQU 500	16	14
	448.2	St. Joseph	Union Pacific RR	KTD 403	16	14
New Hampshire						
Piscataqua River	3.5	Portsmouth	Memorial Bridge, US 1, NH DPW	KBK 472	16	13
	4.0	Portsmouth	US 1 Bypass, NH DPW	KAW-766	16	13
New Jersey						
Chesapeake Creek	0.2	Morgan	NITRO-Morgan Draw	KT 3859	13	13
Delaware River	107.2	Palmira	Tacona Palmira Burlington Co.	KBA 326	13	13
	117.8	Bristol	Tacona Palmira Burlington-Bristol	KBA 336	13	13
	0.3	Ocean City	Cape May County	WOZ 343	13	13
Great Egg Inlet	3.0	Jersey City	PATH-Hack Freight	KQ 7196	13	13
Hackensack River	3.1	Jersey City	Hack Freight, Conrail	KQ 7196	13	13
	3.1	Jersey City	Wit-Penn, NJDOT		13	13
	3.4	Jersey City	NITRO-Laurel Hill (Lower Hack)	KR 6939	13	13
	5.0	Snake Hill	Antrak-Porter	KMC 257	13	13
	5.4	Snake Hill	NITRO-08 (Erie Swing)	KR 6972	13	13
	6.9	Secaucus	NITRO-Erie Lift (Upper Hack)	KR 7035	13	13
	7.7	Secaucus	NITRO-Jackville (HQ)	KR 7034	13	13

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Manasquan River	0.2	Shrewsbury	NUTRO, Bristol	KT 4203	13
Neversink River	4.3	Shrewsbury	Cape May County	WOZ 342	13
Neversink Bay	2.6	Port Newark	Port Newark	KS 9088	13
Platte River	5.0	Newark	Port-Ne-Point Canal	KR 6328	13
	5.8	Newark	Amtrak Dock	WRY 593	13
	8.0	Newark	Monmouth Line	Pending	13
	11.7	West Arlington	Erle Lackawanna RR	Pending	13
Raritan River	0.5	Lynchburg	Erle Lackawanna RR	Pending	13
Shark River	0.1	Pier 11	NUTRO	KT 4204	13
	0.9	Belmar	Ocean Avenue Monmouth County	RMD 281	13
	0.9	Avon	NUTRO	KT 4202	13
			New Jersey, SP35	KOR 952	13
New York					13
Arthur Kill	11.6	Staten Island	S.I. Rapid Transit	KXS 237	13
Bronx River	1.1	Bronx	Brooklyn Expressway	KX 8166	13
East River	6.4	Roosevelt Island	New York City (38 Avenue)	KX 8164	13
Flushing Creek	0.4	Flushing	Northern Blvd	KX 8162	13
Gowanus Canal	1.2	Brooklyn	Hamilton Avenue, New York City	KX 8163	13
Harlem River	0	Brooklyn	North Street, New York City	KX 8164	13
	1.3	New York City	100rd Street, New York City	KIL 820	13
	2.1	New York City	Triboro Bridge and Tunnel	KGW 326	13
	7.9	New York City	Park Avenue, Amtrak Authority	KA 5058	13
Hutchinson River	0.4	New York City	Spoylem Duval, Connell	KU 9797	13
	0.5	New York City	Amtrak-Pelham Bay, New York City	KU 9758	13
Jamaica Bay	2.2	New York City	New England Thruway, I-95	KXS 298	13
Mill Basin	3.0	Rockaway Inlet	Marine Parkway, New York City	KIL 819	13
Newtown Creek	0.8	New York City	Mill Basin, New York City	KX 8185	13
	0.6	New York City	Pulaski	KX 8178	13
	1.3	New York City	Greenpoint Avenue, New York City	KX 8182	13
Niagara River—Black Rock Canal	3.4	New York City	Metropolitan Avenue	KX 8179	13
Reynolds Channel	2.6	Buffalo	Ferry Street, Buffalo City	WHV 559	13
Westchester Creek	0.4	Atlantic Beach	Nassau County	KFL 348	12
	1.7	Unionport	Brooklyn Expressway	KX 8289	13
North Carolina					13
Albemarle Sound	47.7	Edenton	NCDOT, SR32	KU 6047	16
Cape Fear River	26.8	Wilmington	NCDOT, US17	KQU 609	16
Intracoastal WW	84.2	Columbia	NCDOT, US64	KU 9446	16
	206.7	Atlantic Beach	NCDOT, SR58	KU 6064	16
	260.7	Sears Landing	NCDOT, SR50	KU 6044	16
	283.1	Wrightsville Beach	NCDOT, US74	KU 6043	16
	323.7	Holden Beach	NCDOT, SR130	KJ 6042	16
	333.7	Ocean Isles	NCDOT, SR804	KJ 6050	16
	337.9	Sunset Beach	NCDOT, US17	KU 6040	16
Northwest Cape Fear River	0.5	Wilmington		KU 6041	16

APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES—Continued

Waterway	Mile	Location	Bridge name and owner	Call sign	Calling channel	Working channel
Ohio						
Cuyahoga River	0.6	Cleveland	Conrail	KUF 618	16	13
Oregon						
Coos Bay	9.0	North Bend	Southern Pacific RR	KT 2008	16A	13
Willamette River	6.9	St. Johns	Burlington Northern RR	KQ 9050	16	13
	11.7	Portland	Broadway Multimodal Co.	KLU 724	16	13
	12.1	Portland	Steel Union Pacific RR	KQU 534	16	13
	12.4	Portland	Burnside Multimodal Co.	KTD 520	16	13
	12.8	Portland	Morrison Multimodal Co.	KTD 522	16	13
	13.1	Portland	Hawthorne Multimodal Co.	KTD 521	16	13
	0.7	Astoria	OR DOT, US26	WHG 914	16	13
Pennsylvania						
Delaware River	104.8	Philadelphia	Delair, Conrail	KS 9970	13	13
	107.2	Ticon	Tecoma Palmyra Burlington Co	KBA 326	13	13
	117.8	Bristol	Burlington-Bristol	KBA 339	13	13
	5.1	Philadelphia	Tusker Street, B&O Railroad	KOS 236	13	13
South Carolina						
Schuykill River	347.3	Myrtle Beach Little River	SC, US17	KT 5433	16	13
Intracoastal WW	371.0	Soosatie	SC, SR1544	KT 5436	16	13
	462.2	Sullivan Island	Ben Sawyer, SC, SR703	KT 5438	16	13
	470.8	Charleston	Wappoo Creek, SC, SR171	KT 5439	16	13
	536.0	Beaufort	Lady's Island, SC, US21	WHV 879	16	13
	21.6	Savannah	Houlahan, GA DOT	WKB 679	16	13
	66.9	Cryo	Seaboard System RR			
Tennessee						
Savannah River	126.5	Clarksville	Seaboard System RR	KF 2204	16	13
Savannah River	185.2	Bordeau	Illinois Central Gulf RR (Nashville and Ashland City Railroad (Lessee))	KX 6366	16	13
Cumberland River	190.4	Nashville	Seaboard System RR	KQ 7197	16	13
	100.5	New Johnsonville	Seaboard System RR	KC 9465	16	13
Texas						
Clear Creek	1.0	Kernah	Texas, SR146	KOS 361	16	13
Gulf Intracoastal WW (Pelican Island Causeway)	356.1	Galveston	Galveston County Navigation District	KYH 532	16	13
Galveston Causeway RR	357.2	Galveston	Southern Pacific RR	KUF 652	16	13
Gulf Intracoastal WW	397.6	Fresport	Texas, SR1495	KQU 646	16	13
Caney Creek Bridge	418.0	Sargent	Texas, FR457	KQU 644	16	13
Gulf Intracoastal WW	440.7	Matagorda	Texas, FR2001	KQU 645	16	13
San Bernard River	20.7	Brzo Rte	MOPAC RR	KI 2534	16	12

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James River	6.0	Isle of Wight County	Virginia, US17	KQ 7169	13
Potomac River	65.0	Prince George County	Virginia, SR156	KQ 7167	13
York River	6.0	York County	Virginia, US17	KQ 7166	13
Pennunkey River	1.0	King William County	Virginia, SR33	KQ 7165	13
Washington					
Blair Waterway	0.3	Tacoma	WA DOT, 11th Street	KZN 573	16
Chehalis River	0.1	Aberdeen	WA DOT, US101	KJA 289	16
Columbia River	105.8	Vancouver/Portland	Burlington Northern RR	KQ 9049	16
	106.5	Vancouver/Portland	OR DOT, 15	KBM Interstate	16
	169.8	Hood River, OR	Port of Hood River	KTD 562	16
	201.2	Celilo, OR	Burlington Northern RR	KQ 9048	16
	323.4	Pasco/Kennewick	Union Pacific RR	KTD 591	16
	358.0	Pasco/Kennewick	Burlington Northern RR	KQ 9046	16
Downmish Waterway	0.4	Seattle	Spokane St. City of Seattle	KSK 285	13
	2.5	Seattle	1st Ave. So. City of Seattle	WHU 200	13
	1.5	Marysville	WA DOT, US328	KZ 2475	13
Ebony Slough	1.1	Port Gamble	WA DOT, Hood Canal Bridge	KZJ 378	16
Hood Canal	0.1	Tacoma	WA DOT, 11th Street	KZN 574	16
Hyaboo Waterway	1.1	Seattle	Burlington Northern RR	KCE 201	16
Lake Washington Ship Canal	2.6	Seattle	Bellevue, City of Se. 34	KJA 445	13
	4.3	Seattle	Fremont, City of Seattle	KJA 442	13
	5.2	Seattle	University, City of Seattle	KJA 441	13
	1.5	East Pasco/Burbank	Montlake, City of Seattle	KJA 438	13
Snake River			Burlington Northern RR	KQ 9047	16
Wisconsin					
Mississippi River	699.8	LaCrosse	Chicago, Milwaukee, St. Paul and Pacific RR	KVY 631	16
St. Croix River	0.2	Prescott	Burlington Northern, Inc.	KJC 782	14
	0.3	Prescott	Wisconsin and Minnesota	KD 2829	7
	17.3	Hudson	Chicago and Northwestern RR	KUZ 549	14

¹ Effective April 15, 1983, all state-owned highway drawbridges in Louisiana need not meet x channel 15 (Emergency Channel).

[CGD 84-022, 51 FR 16306, May 2, 1986]

PART 118—BRIDGE LIGHTING AND OTHER SIGNALS

Sec.

- 118.1 General requirements.
- 118.3 Incorporation by reference.
- 118.5 Penalty for failure to maintain.
- 118.10 Interference or obstruction prohibited.
- 118.15 Penalty for interference or obstruction.
- 118.20 Obtaining information.
- 118.25 Application procedure.
- 118.30 Action by Coast Guard.
- 118.40 Modification of requirements.
- 118.45 Lighting for the protection of aerial navigation.
- 118.50 Inspection.
- 118.55 Periods of operation.
- 118.60 Characteristics of lights.
- 118.65 Lights on fixed bridges.
- 118.70 Lights on swing bridges.
- 118.75 Lights on single-opening draw-bridges.
- 118.80 Lights on bascule bridges.
- 118.85 Lights on vertical lift bridges.
- 118.90 Bridges crossing channel obliquely.
- 118.95 Lights on structures not part of a bridge or approach structure.
- 118.100 Retroreflective panels on bridge piers.
- 118.105 (Reserved)
- 118.110 Daymarks and lateral lighting on bridges.
- 118.120 Radar reflectors and racons.
- 118.130 Fog signals.
- 118.140 Painting bridge piers.
- 118.150 Traveller platforms.
- 118.160 Vertical clearance gauges.

AUTHORITY: 33 U.S.C. 494; 14 U.S.C. 85, 633; 49 CFR 1.46 (b) and (c).

SOURCE: 40 FR 24898, June 11, 1975, unless otherwise noted.

§ 118.1 General requirements.

All persons owning or operating bridges over the navigable waters of the United States or any international bridge constructed after March 23, 1906, shall maintain at their own expense the lights and other signals required by this part.

[CGD 84-022, 51 FR 16312, May 2, 1986]

§ 118.3 Incorporation by reference.

(a) In this part, portions or the entire text of certain standards and specifications are incorporated by reference as the governing requirements for materials, equipment, tests, or procedures to be followed. These stand-

ards and specification requirements specifically referred to in this part are the governing requirements for the subject matters covered, unless specifically limited, modified, or replaced by the regulations.

(b) These materials are incorporated by reference into this part under 5 U.S.C. 552(a) with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table are found citations to the particular sections of this part where the material is incorporated. To enforce any edition other than the one listed in paragraph (c) of this section, notice of the change must be published in the *FEDERAL REGISTER* and the material made available. All approved material is on file at the Office of the Federal Register, Washington, D.C. 20408 and at U.S. Coast Guard, Room 1410, 2100 Second Street, SW., Washington, D.C. 20593. Copies may be obtained from the sources indicated in paragraph (c) of this section.

(c) The materials approved for incorporation by reference in this part are: Federal Highway Administration (FHWA), 400 Seventh Street, SW., Washington, D.C. 20590

Standard Alphabets for Highways Signs, 1966. (Reprinted April 1984).

[CGD 84-022, 51 FR 16313, May 2, 1986]

§ 118.5 Penalty for failure to maintain.

Any person required to maintain lights and other signals upon any bridge or abutment over or in the navigable waters of the United States who fails or refuses to maintain such lights and other signals, or to obey any of the lawful rules and regulations relating to the same is subject to a penalty as provided in 14 U.S.C. 85.

§ 118.10 Interference or obstruction prohibited.

No person shall obstruct or interfere with any lights or signals maintained in accordance with the regulations prescribed in this part.

§ 118.15 Penalty for interference or obstruction.

Any person violating the provisions of § 118.10 of this chapter shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding \$500 for each offense. Each day during which such violation shall continue shall be considered a new offense.

(40 FR 24898, June 11, 1975, as amended by CGD 75-046a, 42 FR 56954, Oct. 31, 1977)

§ 118.20 Obtaining information.

Persons desiring information concerning the marking of bridges shall address their inquiry to the District Commander having jurisdiction over the area concerned, or to the Commandant.

§ 118.25 Application procedure.

Approval of lights and other signals required shall be obtained, prior to construction, from the District Commander of the area in which the structure will be situated. Application shall be by letter accompanied by duplicate sets of drawings showing (a) plan and elevation of the structure showing lights and signals proposed, and (b) small scale vicinity chart showing proposed bridge and all other bridges within 1,000 feet above or below the proposed bridge.

§ 118.30 Action by Coast Guard.

(a) The District Commander receiving the application will review it and approve the lights and other signals proposed, or mark on the drawings, the lights and other signals required, and in the case of lights, cite the applicable section of this chapter which prescribes the lights required for the particular type bridge.

(b) Upon approval, one set of drawings will be returned to the applicant with the notation "navigational lights and/or other signals approved as shown", date, name and title of the District Commander.

§ 118.40 Modification of requirements.

(a) The District Commander may modify the requirements for the display of lights and other signals on any bridge when a change in local conditions warrants the modification.

(b) The District Commander may exempt bridges over waterways with no significant nighttime navigation from the lighting or other signal requirements in this part.

(c) The District Commander may prescribe special lighting or other signals in specific cases when the lighting or other signals in this part may not provide adequately for the safe passage of vessels.

(d) While a bridge is under construction, the District Commander prescribes the temporary lights and other signals to be displayed for the protection of navigation.

(CGD 84-022, 51 FR 16313, May 2, 1986)

§ 118.45 Lighting for the protection of aerial navigation.

The owner of a bridge which constitutes a hazard to aerial navigation should maintain, in addition to the lights prescribed in this part, such lights as may be prescribed by the Administrator, Federal Aviation Administration.

(40 FR 24898, June 11, 1975, as amended by CGD 75-046a, 42 FR 56954, Oct. 31, 1977)

§ 118.50 Inspection.

Lights and other signals required or authorized under this part are subject to inspection at any time by Coast Guard personnel or authorized agents.

(CGD 84-022, 51 FR 16313, May 2, 1986)

§ 118.55 Periods of operation.

(a) Lights shall be displayed from sunset to sunrise and at other times when the visibility is less than one mile.

(b) Operators shall not be required to exhibit the prescribed lights during seasons when vessels are unable to navigate in the vicinity of the bridge.

(c) The operation of signals other than lights shall be as prescribed by the District Commander. Each case shall be considered individually.

§ 118.60 Characteristics of lights.

All lights required or authorized under this part must be securely attached to the structure and of sufficient candlepower as to be visible against the background lighting at a

distance of at least 2,000 yards 90 percent of the nights of the year. Lights must meet the requirements of this part. Lights shall be fixed lights excepting as provided in §§118.95, 118.110 and 118.150 of this part. Color specifications are not prescribed for bridge lights, however, the chromaticity standards for navigation lights in Annex I, Appendix A of 33 CFR Part 81 are recommended.

[CGD 84-022, 51 FR 16313, May 2, 1986]

§ 118.65 Lights on fixed bridges.

(a) Each fixed bridge span over a navigable channel shall be lighted so that the center of the navigable channel under each span will be marked by a range of two green lights, and each margin of each navigable channel will be marked by a red light: *Provided*, That when a margin of a channel is limited by a pier, only those lights prescribed in paragraph (b) of this section shall be required to mark such channel margin. The green lights shall each show through a horizontal arc of 360°; they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180°, and shall be securely mounted just below the outermost edge of the bridge span structure to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacements of existing fixed span navigation lights colored green are made, it is permitted that only one of these lights marking the centerline of the same channel under a span shall be visible to an approaching vessel. When major repairs to or replacement of such existing green lights are made they shall conform with this paragraph.

(b) *Pier lights.* When the navigable channel extends from pier to pier or when piers are located within the navigable channel, each end of such piers shall be lighted with a red light. Each such light shall show through a horizontal arc of 180°, and shall be securely fastened at the end of the pier as low as practicable but not lower than 2 feet above navigable high water to show 90° on either side of a line paral-

lel to the axis of the channel so as to be visible from an approaching vessel.

(c) *Main channel.* When necessary, the District Commander may prescribe that fixed bridges having two or more spans over a navigable channel shall have the main channel span marked with a set of three white lights arranged in a vertical line directly above each green light on the main channel span. Each white light shall show through a horizontal arc of 180°, and shall be mounted so that ½ of the horizontal arc will show on either side of a line parallel to the axis of the channel. These three white lights shall be securely mounted on the bridge structure and spaced at nearly 15 feet apart as the structure of the bridge will permit, with a minimum spacing of 7 feet. The lowest white light in the line of three lights shall be placed not less than 10 nor more than 15 feet above each green light on the main channel span.

NOTE: Until such time that major repairs to or replacements of existing main channel lights showing white are made, it is permitted that these lights show through a horizontal arc of not less than 60° nor more than 180° with ½ of such arc showing either side of a line parallel to the axis of the main channel. When major repairs or replacement of such existing white lights are made they shall conform with this paragraph.

[40 FR 24898, June 11, 1975, as amended; CGD 75-046a, 42 FR 56954, Oct. 31, 1977]

§ 118.70 Lights on swing bridges.

(a) *Swing span lights on throw bridges.* Each swing span of every throw bridge shall be lighted with three lanterns so that when viewed from an approaching vessel the swing span when closed will display three red lights on top of the span structure, one at each end of the span on the same level and one at the center of the span no less than 10 feet above the other two lights, and when open for navigation will display three green lights on top of the span structure in a line parallel to and directly above the long axis of the span, one at each end of the span on the same level, and one at the center of the span no less than 10 feet above the other two lights. Each lantern shall show through alternate red and green

horizontal arcs of 60° each, the axis of adjacent arcs to be 90° from each other; each light shall be securely mounted with the axis of the green arcs parallel to the long axis of the swing span.

(b) *Swing span lights on deck and half-through bridges.* Each swing span of every deck, half-through, girder, or similar type swing bridge shall be lighted with four lanterns so that when viewed from an approaching vessel the swing span when closed will display one red light at each end, and when open to navigation will display two green lights from each end. Each lantern shall show through one red and two green horizontal arcs of 60° each, the axis of each green arc to be 90° from the axis of the red arc; each light shall be securely mounted at the floor level of the span as near to the side of the span as practicable with the axis of the red light normal to the long axis of the swing span and so that the red light will be visible from an approaching vessel when the span is closed.

(c) *Pier lights.* Every swing bridge shall be lighted so that each end of the piers adjacent to the navigable channel (draw piers) or each end of their protection piers (draw pier protection piers) and each end of the piers protecting the pivot pier (pivot protection pier) will be marked by a red light. Each of these lights shall show through a horizontal arc of 180° and shall be mounted as low as practicable below the floor level of the swing span to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

(d) *Axis lights.* Every swing bridge shall be lighted so that the intersection of the bridge axis with each side of the pivot pier and the channel side of each draw pier which has a protection pier will be marked by a red light. *Provided,* That if the draw and draw protection piers are straight along their channel faces these lights shall not be required. Each such light shall show through a horizontal arc of 180°, and shall be mounted on the navigable channel face of the pier as low as practicable below the floor level of the swing span to show 90° either side of a

line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

(e) *Omission of lights.* Where the permanent navigable channel passes on only one side of the pivot pier of any swing span, the District Commander may authorize the omission of lighting of the unused channel.

§ 118.75 Lights on single-opening drawbridges.

(a) *Bridges in this class.* Bridges of the folding, pontoon and similar type single opening drawbridges are included in this class.

(b) *Draw span lights.* Each draw span of every single opening drawbridge shall be lighted with two lanterns so that when viewed from an approaching vessel the draw span when closed will display two red lights, one at each end of the span and when open to navigation will display two green lights, one at each end of the span. Each lantern shall show alternate red and green horizontal arcs of 60° each, the axis of adjacent arcs to be located 90° from each other; each lantern shall be securely mounted 15 feet above the roadway with the axis of the green arcs parallel to the long axis of the swing span.

(c) *Pier or abutment lights.* Every swing bridge shall be lighted so that the end of each pier, abutment or fixed portion of the bridge adjacent to the navigable channel through the draw, or each end of the protection piers for such piers, abutments, or fixed portion of the bridge will be marked by a red light. Each red light shall show through an arc of 180°, and shall be securely mounted on the pier, abutment or fixed portion of the bridge as low as practicable to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

§ 118.80 Lights on bascule bridges.

(a) *Lift span lights.* Each lift span of every bascule bridge shall be lighted so that the free end of the span will be marked on each side by a green light which shows only when the span is fully open for the passage of a vessel and by a red light which shows for all

§ 118.85

other positions of the lift span. Each red and each green light shall show through a horizontal arc of 180°. The lighting apparatus shall be securely mounted to the side of the span so that the light will show equally on either side of a line parallel to the axis of the channels, so that they will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, existing lights may show through a horizontal arc of less than 180°. When major repairs to or replacement of existing lights are made they shall conform with this paragraph.

(b) *Multiple parallel lift span lights.* The outermost side of each outer span of every bascule bridge with parallel multiple lifts shall be lighted as prescribed in paragraph (a) of this section; the lights shall be controlled so that the green lights will be displayed only when all spans are open for navigation. The inner sides of each outer lift span and both sides of each inner lift span of such bascule bridge shall be lighted by red lights for all positions of the lift span. These lights shall have the same arcs of illumination and shall be mounted as described in paragraph (a) of this section.

(c) *Pier lights.* Every bascule bridge shall be lighted so that each end of every pier, or protection pier where provided, in or adjacent to the navigable channels under the lift span or spans will be marked by a red light. Each such red light shall show through a horizontal arc of 180°, and shall be securely mounted as low as practicable on the end of the pier, or protection pier, to show 90° either side of a line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

(d) *Axis lights.* Every bascule bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the long axis of the lift span with the channel side of each pier, or protection pier, will be marked by a red light: *Provided,* That if all such piers and protection piers are straight along their channel faces these lights shall not be required. Each such red light shall show through a horizontal arc of 180° and shall be securely mounted on the

navigable channel face of the pier as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

§ 118.85 Lights on vertical lift bridges.

(a) *Lift span lights.* The vertical lift span of every vertical lift bridge shall be lighted so that the center of the navigable channel under the span will be marked by a range of two green lights when the vertical lift span is open for navigation, and by one red light on each side for all other positions of the lift span. The green lights shall each show through a horizontal arc of 360°; they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180°, and shall be securely mounted just below the outermost edge of the lift span to show 90° on either side of the line parallel to the axis of the channel so that only one such light will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, it is permitted that these lights show through a horizontal arc of not more than 60°. When major repairs to or replacement of such existing lights are made they shall conform with this paragraph.

(b) *Pier lights.* Every vertical lift bridge shall be lighted so that each end of every pier in or adjacent to navigable channels under the lift span, or each end of every protection pier when provided, will be marked by a red light. Each such light shall show through a horizontal arc of 180°, and shall be securely mounted as low as practicable on the end of the pier, or the protection pier, to show 90° on either side of a line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

(c) *Axis lights.* Every lift bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the lift span axis with the channel side of each pier adjacent to the navigable channel will be marked by a red light: *Provided,* That if every such pier,

protection pier, is straight along its channel face these lights shall not be required. Each such light shall show through a horizontal arc of 180°, and shall be securely mounted on the navigable channel face of the pier as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

160 FR 24898, June 11, 1975, as amended by CGD 75-046a, 42 FR 58954, Oct. 31, 1977

§ 118.90 Bridges crossing channel obliquely.

Bridges crossing a body of water at an angle other than 90° with the axis of the channel shall be lighted in accordance with the regulations in this part with such modifications as are necessary in each particular case.

§ 118.95 Lights on structures not part of a bridge or approach structure.

Lights on sheer booms, isolated piers, obstructions, and other structures not part of a bridge or approach structure must meet the requirements for aids to navigation in Subpart 66.01 of Part 66 of this chapter.

[CGD 84-022, 51 FR 16313, May 2, 1986]

§ 118.100 Retroreflective panels on bridge piers.

The District Commander may require or authorize the display of high intensity red or green retroreflective panels when the District Commander finds it necessary:

- (a) To better identify a hazardous pier.
- (b) To provide a backup for red pier lights, red channel margin lights, and green mid channel lights, which are subject to vandalism or otherwise difficult to properly maintain. If the District Commander determines that the nominal nighttime visibility required is less than one-half mile, the panels must be at least six inches square. If the visibility required is more than one-half mile, the panels must be at least 12 inches square.

(c) To mark bridge piers or channel sides on bridges not required to have bridge lighting. Lateral significant red triangles and green square retroreflective panels shall be used. The panels

shall be at least 36 square inches in area to provide a nominal nighttime visibility distance of at least one-half mile.

[CGD 84-022, 51 FR 16313, May 2, 1986]

§ 118.105 [Reserved]

§ 118.110 Daymarks and lateral lighting on bridges.

(a) The District Commander may require or authorize the marking of the margins of navigation channels through bridges with U.S. aids to navigation system lateral marks and lights installed on the superstructure or on the channel piers. The District Commander may also require or authorize the use of quick flashing, flashing, isophase or occulting red and green lights to mark the main channels.

(b) If lateral system lights are required or authorized to mark the main navigation channels, fixed yellow lights shall be used to mark the adjacent piers and the centerline of the channel shall be marked with the standard lateral system safe water mark and occulting white light, instead of the lights prescribed in § 118.65.

(c) The District Commander may require or authorize the marking of the centerline of the navigation channel drawspan of floating drawbridges with a special mark, diamond in shape, yellow in color, and with a high intensity retroreflective material border. The District Commander may require or authorize the mark to exhibit a flashing yellow light Morse Code "B" characteristic. The mark may not be visible when the drawspan is in the open position.

[CGD 84-022, 51 FR 16313, May 2, 1986]

§ 118.120 Radar reflectors and racons.

The District Commander may require or authorize the installation of radar reflectors and racons on bridge structures, stakes, or buoys. Radar reflectors are used to mark the location of the edge of the navigation channel or bridge channel piers. Racons are used to mark the centerline of the channel.

[CGD 84-022, 51 FR 16313, May 2, 1986]

§ 118.130 Fog signals.

On waterways where visibility is frequently reduced due to fog or other causes, the District Commander may require or authorize the installation of one or more fog signals to warn the navigator of the presence of the bridge. The fog signals must conform to the installation, range, and sound frequencies provisions in Subpart 67.10 of Part 67 of this chapter. If more than one fog signal is installed on a bridge or in the vicinity, their characteristics must be different to distinguish each signal. The fog signals must be directional to the fullest extent possible to minimize adverse impact on local residents.

[CGD 84-022, 51 FR 16313, May 2, 1986]

§ 118.140 Painting bridge piers.

The District Commander may require painting the sides of bridge channel piers below the superstructure facing traffic white or yellow when they are significantly darkened by weathering or other causes so as to be poorly visible against a dark background.

[CGD 84-022, 51 FR 16314, May 2, 1986]

§ 118.150 Traveller platforms.

The District Commander may require under deck traveller platforms which may significantly reduce the vertical clearance when operated over navigation channels at night to be lighted with quick flashing red lights on each of the four lower corners.

[CGD 84-022, 51 FR 16314, May 2, 1986]

§ 118.160 Vertical clearance gauges.

(a) When necessary for reasons of safety of navigation, the District Commander may require or authorize the installation of clearance gauges. Except as specified in § 117.47(b) of this chapter for certain drawbridges, clearance gauges must meet the requirements of this section.

(b) Clearance gauges must indicate the vertical distance between "low steel" of the bridge channel span and the level of the water, measured to the bottom of the foot marks, read from top to bottom. Each gauge must be installed on the end of the right channel

pier or pier protection structure facing approaching vessels and extend to a reasonable height above high water so as to be meaningful to the viewer. Other or additional locations may be prescribed by the District Commander if particular conditions or circumstances warrant.

(c) *Construction.* Each gauge must be permanently fixed to the bridge pier or pier protection structure and made of a durable material of sufficient strength to provide resistance to weather, tide, and current. Gauges may be painted directly on the bridge channel pier or pier protection structure if the surface is suitable and has sufficient width to accommodate the foot marks (graduations) and numerals.

(d) *Numerals.* (1) Each gauge must be marked by black numerals and foot marks on a white background. Paint, if used, must be of good exterior quality, resistant to excessive chalking or bleeding. Manufactured numerals and background material may be used.

(2) The size, type, and spacing of numerals must conform to the Standard Alphabets for Highway Signs and the following table. The nominal day visibility distance is the distance at which the clearance information needs to be ascertained by approaching vessel operators. The District Commander determines this distance for each bridge.

Nominal day visibility distance (feet)	Height of numeral (inches)	Type of numeral	Vertical spacing of numerals (feet)
Less than 500	12	Series C	2
500 to 750	18	Series C	2
750 to 1,000	24	Series D	5
1,000 to 2,000	30	Series E	5
More than 2,000	36	Series E	10

(3) The length of the foot marks must be no less than the width of a single numeral used (except numerals 1 and 4), be the same thickness as the width of stroke of the numeral, and extend to the nearest margin of the white background. Foot marks must be spaced every foot for nominal day visibility of less than 500 feet, every two feet for a nominal day visibility of more than 500 feet but less than 1,000

feet, and every five feet for nominal day visibility of more than 1,000 feet.

(4) Intermediate foot marks may be used when more precise determination of actual clearance is necessary. Such intermediate foot marks must have a width of stroke one-half the width of the stroke required for the numeral and shall be three-quarters as long as the primary foot marks.

(5) The horizontal distance between the numeral and nearest edge of the white background shall be no less than one-half the width of a single numeral (excepting numerals 1 and 4).

(6) The minimum width of the white background shall be no less than three

times the width of a single numeral (excepting numerals 1 and 4) plus the widths of each additional numeral (when multiple numerals are used plus numeral spacing).

(e) *Maintenance.* The owner or operator of the bridge shall maintain each gauge in good repair and legible condition. The bridge owner or operator is responsible for the accuracy of the gauge and shall remeasure the vertical distance of the numerals and foot marks below "low steel" of the bridge whenever the gauge is repainted or the structure is repaired.

[CGD 84-022, 51 FR 16314, May 2, 1986]

SUBCHAPTER K—[Reserved]

FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

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Material Approved for Incorporation by Reference

(Revised as of June 29, 1990)

The Director of the Federal Register has approved under 5 U.S.C. 552(a) and 1 CFR Part 51 the incorporation by reference of the following publications. This list contains only those incorporations by reference effective as of the revision date of this volume. Incorporations by reference found within a regulation are effective upon the effective date of that regulation. For more information on incorporation by reference, see the preliminary pages of this volume.

33 CFR CHAPTER I (PARTS 1 TO 124)

COAST GUARD, DEPARTMENT OF TRANSPORTATION

All the following materials are also on file at Coast Guard Headquarters, Room 4407, Trans Point Bldg., 2100 Second St. S.W., Washington, DC 20593.

33 CFR

Federal Highway Administration

400 Seventh St., SW, Washington, DC 20590

Standard Alphabets for Highway Signs, 1966 (1984 Reprint) 118

Illumination Engineering Society

345 E. 47th St., New York, NY 10017

Colors of Light Signals, 1975 84.13

Naval Publications Forms Center

Customer Service—Code 1052, 5801 Tabor Ave., Philadelphia, PA 19120

Military Specification, MIL-C-25050 Color, Aeronautical Lights & Lighting Equipment, 1963 (1971). 67.30-5(a)

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Redesignation Table

At CGD 81-017, 46 FR 28154, May 26, 1981, certain parts of Title 33 were redesignated. For the convenience of the user, the following tables show the relationships of the redesignated sections.

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List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations which were made by documents published in the FEDERAL REGISTER since January 1, 1973, are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to FEDERAL REGISTER pages. The user should consult the entries for parts and parts as well as sections for revisions.

For the period before January 1, 1973, see the "List of CFR Sections Affected, 1949-1963, and 1964-1972," published in three separate volumes.

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